

HANDBOOK OF
AMERICAN GOVERNMENT

By WILLIAM H. BARTLETT

REVISED BY

HENRY CAMPBELL BLACK



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HANDBOOK
OF
AMERICAN GOVERNMENT

BY
WILLIAM H. BARTLETT

REVISED AND ENLARGED EDITION

BY
HENRY CAMPBELL BLACK

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Dedicated to
YOUNG AMERICANS
ON WHOSE
LOVE AND LOYALTY
DEPEND THE
PRESERVATION AND STABILITY
OF THE
BEST GOVERNMENT ON EARTH

PREFACE

The general scope and purpose of this book are indicated by the title. The aim of the writer has been to prepare such a work as an American father might wish to place in the hands of his son, or an American teacher in the hands of his pupils, to serve as the basis of a complete knowledge of the facts and principles of the government of the United States.

The mission of this volume is to give in an economical and compact form, and in clear and concise language, the gist of the information contained in many larger works.

The contents include a review of the nature and origin of our government, the Declaration of Independence with an account of the steps which led thereto, an explanation of the most important portions of the Constitution, a summary of the rights and duties of citizenship, the text of the Constitution, the history of the flag, valuable statistical tables, a series of "Search Light" questions calculated to arouse the interest of the reader and to stimulate him to research, and a list of works on government, suitable for perusal or reference.

It is hoped that this book will be a boon to students, a valuable aid to teachers, a desirable addition to home, school, and public libraries, a useful guide to

the members of young people's societies now so extensively organizing for the study of government, a friend to the foreign born in our midst who have the American spirit and desire a knowledge of our form of government, and a convenient and practical handbook of reference for all inquirers concerning governmental topics. The book is committed to the kind consideration of all these classes, in the hope that it may be found worthy of their favor.

/ W. H. B.

EDITOR'S NOTE

The last previous edition of Mr. Bartlett's excellent little work appeared in 1912. Since that time, changes both in the powers and in the organization of the national government have been effected by the adoption of three additional amendments to the Constitution and by various important Acts of Congress. The scope of its activities has likewise been enlarged. Notable changes in the judicial system of the United States have been made. But above all, the waging and winning of the Great War have brought to the front the transcendent powers vested in the people's representatives by the Constitution, which remain latent and unnoticed in times of peace, but which may, in their exercise, affect the lives and conduct of all the citizens when a democracy is mobilized for war. For these reasons it seemed necessary to subject the book to a complete revision before again offering it to the public. In doing this, the Editor has taken advantage of the opportunity to explain or discuss at greater length various important topics mentioned in the original text, and to introduce comments or explanations of some clauses of the Constitution, or of the practical working of government under it, which had not previously been included. Thus modernized and enlarged, the book is commended to students in the schools and

colleges, to foreigners seeking naturalization, and to readers of all classes, in the confident expectation that they will find it most instructive and useful.

HENRY CAMPBELL BLACK.

Washington, D. C.

March, 1920.

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HANDBOOK OF AMERICAN GOVERNMENT

THE NATIONAL GOVERNMENT.

ITS NATURE AND ORIGIN.

1. **Nation Defined.**—A nation is a people living in a country which they hold as their own, and united under a government which has control over that country and all its inhabitants.

2. **National Government.**—National government is the power or authority by which a nation is ruled.

3. **Purpose of Government.**—Civilized government is established to protect the people in the enjoyment of their rights and to promote the general public welfare and prosperity.

4. **Obligation of the Citizen.**—Loyalty to his country is the first duty of the citizen; and this means that he is bound to support and respect its Constitution, obey its laws, bear his just share of the expenses of the government, and render such personal service as is required of him, whether in civil life or in defense of the country under arms.

5. **Forms of National Government.**—National

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governments are chiefly of three forms: Monarchies, aristocracies, and democracies.

In a monarchy the sovereign power, or right of government is vested in one person, called a "king" or "emperor."

A monarchy in which the power of the ruler is restricted by a constitution is called a constitutional or limited monarchy. An absolute monarchy is one in which the power of the ruler is not so restricted. In a constitutional monarchy (such as Great Britain, for instance) the king is only nominally the ruler. He takes no actual part in the government, which is carried on by the parliament, or legislative body, under the direction of a body of ministers who are responsible for their acts and decisions to the parliament and to the people. Such a government does not differ much from a democracy, and is often so called.

An aristocracy is a government by a few persons who form a privileged class.

An aristocracy may be one of birth, wealth, or culture. But no government of this kind exists today.

A democracy is a government of the people, by the people, and for the people.

Democracy is that form of government in which the sovereign power resides in and is exercised by the whole body of free citizens. A *pure* democracy is one in which every citizen participates directly in the business of governing, and in which the body that makes the laws comprises the whole people. A *representative* democracy, or republican form of government, is one in which the people do not themselves make the laws, but elect representatives to do it for them. Equality of rights for all the people and equality of opportunity for all is the cardinal principle of democracy.

6. Government of the United States.—The government of the United States is a representative democracy, usually called a republic. Politically speaking, it is a union of forty-eight separate commonwealths called “States.”

This is why the United States is often called “the Union.” A form of government in which the separate states retain the right to make their own laws and to govern themselves in all matters which are not placed in the exclusive power of the Union or national government is called a *federal* government. This is why the government of the United States is spoken of as the “federal government,” and its courts as the “federal courts.”

7. Preservation of Republican Government.—Republics are preserved only by the virtue, public spirit, and intelligence of the people.

8. Origin of the Nation.—The Nation was formed by the union, and separation from the mother-country, of the thirteen British colonies which existed here at the time of the Revolution.

A colony is a company of persons who have left their own country and have settled in another, but who still remain subject to the government of the country from which they came.

9. Original Colonies with Dates of Settlement.—

Virginia,	1607.
Massachusetts,	1620.
New Hampshire,	1623.
New York,	1623.
Connecticut,	1633.
Maryland,	1634.

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Rhode Island,	1636.
Delaware,	1638.
North Carolina,	1663.
New Jersey,	1664.
South Carolina,	1670.
Pennsylvania,	1682.
Georgia,	1733.

10. **Colonial Governments.**—The special forms of government of the colonies before the Revolution were Provincial or Royal, Proprietary, and Charter.

1. The Provincial or Royal governments were under the direct control of the King, who appointed for each a governor, and a council which formed the upper house of the legislature. The people elected only the lower house, and therefore had little voice in the government. The relation of these colonies to Great Britain was much like that of our territories to the Nation.

2. The Proprietary governments were under the direct control of proprietors, to whom the land, with the right to govern the settlers, had been granted by the King. The proprietors appointed governors, and, in some cases, convened legislatures. But the supreme authority of the mother-country was strictly maintained.

3. In the Charter governments much more power was given to the people. They were granted charters by the King which gave them power to elect their own officers and to make their own laws.

A charter is a grant made by a monarch to the whole or to a portion of his subjects, giving them certain rights and privileges.

Massachusetts after 1691 was under a modified charter which vested the appointment of governor in the King. In this respect it was like a Provincial government.

11. Colonial Governments at the Commencement of the Revolution.—Pennsylvania, Delaware, and Maryland were held by the heirs of the first proprietors, Connecticut and Rhode Island had kept their charters, Massachusetts had a modified charter, and the other colonies were royal provinces.

Connecticut and Rhode Island were so content with the provisions of their charters that they lived under them until 1818 and 1842 respectively, in which years they formed State constitutions.

12. First Union of Colonies.—In 1643 Massachusetts, Plymouth, Connecticut, and New Haven united under the name of "The United Colonies of New England," for mutual protection against the encroachments of the Dutch and French settlers and the hostility of the Indians. This union continued forty years.

In the earliest years of our history there were those who realized that in union alone there is strength, and at various times during the seventeenth century plans for a general government were proposed by William Penn and others. None of these projects, however, received the approval of the British government.

13. Albany Convention.—Delegates from all the colonies north of the Potomac met in convention at Albany, N. Y., in 1754, to consider measures of defense against the French and Indians. In this convention Benjamin Franklin, whose motto was "Unite

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or die!" proposed a plan for a general government of all the colonies, to consist of a president-general to be appointed by the King, and a council of delegates to be chosen by the colonies. Though adopted by the Convention, as neither the colonies nor the mother-country approved this plan, it did not go into operation.

14. Stamp Act Congress.—In 1765 a congress of delegates from nine colonies met at New York and prepared a declaration of rights, and petitions to the King and Parliament praying that these rights might be respected. This was the first general meeting of the colonies for the purpose of considering their rights and privileges.

This Congress is called the "Stamp Act Congress," as the passage of that act by Parliament was the immediate cause of its assembling.

Parliament is the law-making body of Great Britain.

The Stamp Act required that stamps, bought of the British government, should be placed on all legal documents, newspapers, and pamphlets. The colonists, having no voice in Parliament, were indignant at this attempt at taxation without representation, and so loud was the outcry against it that Parliament soon repealed it, but still declared the right of Great Britain to tax the colonies, and passed other measures not less odious.

15. First Continental Congress.—This Congress, composed of delegates from all the colonies except Georgia, met at Philadelphia, September 5, 1774, and again asserted the rights claimed by the previous Congress and demanded the repeal of all laws by which those rights had been invaded.

These remonstrances were unheeded by Great Britain. "Repeated petitions" were "answered only by repeated injury," and the colonists determined to resist the execution of unjust and oppressive laws. There was no longer hope of reconciliation, and war and revolution became inevitable.

A revolution is a radical change in the government of a country. It involves the overthrow of an existing government and the establishment of one different in character.

16. Second Continental Congress.—This Congress assembled at Philadelphia, May 10, 1775, all the colonies being represented. This body provided for organizing the Revolutionary army, unanimously electing George Washington Commander-in-chief. After debating the question of separation from Great Britain with great energy, eloquence, and ability, on the fourth day of July, 1776, this Congress adopted the Declaration of Independence. Thenceforth the name "United Colonies" gave place to that of "The United States of America."

"The Declaration of Independence by the United Colonies," says Bancroft, "was prepared in the convictions of all the American people." They retained much of their old affection for England until the King's proclamation, August 23, 1775, declaring them rebels, showed that they could expect neither mercy nor justice from Great Britain. It then became evident that arms must decide the contest; and as the flames of war were kindling throughout the colonies, the fire of independence was kindled in the hearts of the people. The colonies became one in thought, spirit, and action, and demanded of Congress a declaration of independence.

Virginia, May 15, 1776, instructed her delegates in Congress

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to propose independence, and in obedience to that instruction Richard Henry Lee, June 7, 1776, introduced the following resolution:

"Resolved, That these United Colonies are, and, of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown; and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved."

The resolution was debated in committee of the whole from the 7th to the 10th, when further consideration was postponed to July 1st. The discussion was not concerning the principle of independence, on which all were agreed, but concerning the wisdom of issuing a declaration at that time.

On June 11th a committee consisting of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston, was appointed to prepare a declaration in harmony with the resolution.

On June 28th this committee reported a draft of the declaration which was ordered to lie on the table. On July 1st Lee's resolution was again discussed, and on the following day, July 2d, was adopted by vote of twelve States, the delegates from New York refraining from voting pending the decision of the question by the people of that colony. On July 4th the declaration was adopted by the same vote.

"On the same day it was duly authenticated by the President and Secretary, and published to the world. The nation when it made choice of its great anniversary selected not the day of the resolution of independence when it closed the past, but that of the declaration of the principles on which it opened its new career."—*Bancroft*.

The declaration, having been engrossed on parchment was signed by fifty-four delegates August 2, 1776, and later by two others, fifty-six in all representing all the colonies, the convention of New York having approved the act July 9, 1776.

The Declaration of Independence was written by Thomas Jefferson, a few slight verbal alterations being made at the suggestion of Adams and Franklin. A few amendments to the original draft were made by Congress. The Declaration of Independence is printed in full in the appendix to this book. Every American should make himself familiar with it.

17. Government during the Revolution.—Each State had its own government. The only general government was that of the Second Continental Congress, which exercised supreme powers until 1781, when the Articles of Confederation were adopted.

18. Articles of Confederation.—These articles were an instrument which formed the basis of government for the United States from 1781 to 1789, and which aimed to unite the States in a firm league to secure their liberties and mutual welfare. These articles were wrong in theory and proved worthless in practice.

19. Defects of the Articles of Confederation.—No separate executive or judicial department was provided. Congress had little more than the power to recommend measures to the States. It could not lay taxes, regulate commerce, enforce the provisions of treaties, raise revenue, nor protect the States against rebellion. Congress had power "to declare everything but to do nothing." Shays's Rebellion in Massachusetts and the fear of similar outbreaks elsewhere, which the general government had no power to suppress, showed the weakness of the Confederation. Washington, Hamilton, and other leaders saw that "to form a new constitution which should give stability and dignity to the Union was the great problem of the times."

20. Constitution Defined.—A constitution is an instrument or fundamental law which prescribes the form of government for a country, declares and guarantees the rights and liberties of the people, and fixes

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the powers and duties of the different departments of the government. It is the supreme law, which all must obey, and any law or ordinance or official act which it forbids or which it does not allow is null and void.

Constitutions may be written or unwritten. England has an unwritten constitution, which consists of established customs, charters, and a multitude of laws and judicial decisions. Such constitutions are liable to changes by legislation establishing new principles of government, without the previous consent of the people. The wisdom of the founders of our government led them to form a written constitution, subject to change only by the deliberate action of the people.

As applied to written constitutions, two fundamental ideas are implied in the term "constitution." One is the regulation of the form of government, the other is the securing of the liberties of the people. Though the former only is essential to the existence of a constitution, the latter has been the principal object of all constitutions established within the last century or more, so that when we speak of "constitutional government," it is the latter idea—the securing of popular rights and liberties—that is chiefly dwelt upon.

It is important to remember that a constitution differs essentially from a statute or ordinary act of legislation. First, it is enacted or adopted by the whole people who are to be governed by it, instead of being enacted by their representatives sitting in a congress or legislature. Second, a constitution can be repealed or modified only by the power which adopted it, that is, the people, but a statute may be repealed or changed by the legislature. Third, the provisions of a constitution refer to the fundamental principles of government, or the establishment and guaranty of liberties, instead of being designed merely to regulate the conduct of individuals among themselves. In other words, a constitution contains the people's belief as to the unchanging foundations of a just and stable government, their wish as to the kind of government under which they will live, and the definition of the agencies by which they mean it to be executed, while a statute relates only to matters of expediency, or of temporary interest, and is based on conditions

which may change from time to time, so that it should not be permanent like a constitution.

21. Formation of the Constitution.—The Constitutional Convention, comprising delegates from all the States except Rhode Island, met at Philadelphia, May 14, 1787. Washington was chosen president. The Convention contained many men eminent for their ability and patriotism. The work before them was to form a complete system of republican government. The Convention held secret sessions for more than three months, discussing and settling the difficult questions that arose from the jealousies existing among the several States. On the seventeenth of September the Constitution was adopted by the Convention. Its ratification by nine States was declared to be sufficient for its establishment. When the Constitution was submitted to the people for their approval before the assembling of State conventions to decide upon it, a great contest arose, which was carried on by two parties that were immediately formed,—the Federalist and Anti-Federalist. The former, desiring a strong national government, supported the Constitution, while the latter, favoring a confederate government which should allow the States to retain more power than the Constitution gave them, opposed it. The people finally accepted the Constitution as a bond of union. Its establishment was assured by its ratification by the ninth State, New Hampshire, June 21, 1788. Thus it was declared that the United States is a nation and not a confederacy.

The Constitution went into legal operation on the

fourth of March, 1789. Delaware was the first State to ratify it, December 7, 1787, and Rhode Island the last, May 29, 1790.

22. Summary.—We have now seen that the idea of a union existed among the colonists from the earliest years of their history; that from time to time they entered into loosely governed leagues of friendship and confederacies for the general welfare; that experience showed the weakness of such associations; and that the interest and safety of all at last impelled them to form a “more perfect union” under a constitutional government.

GOVERNMENT UNDER THE CONSTITUTION.

23. Preamble.—The first sentence of the Constitution, usually called the preamble, is an introduction or preface to the body of the instrument. It states the source of the authority and sets forth the purposes of the Constitution.

24. Authority of the Constitution.—The source of the authority of the Constitution is the people of the United States.

25. Purposes of the Constitution.—

1. To form a more perfect union.
2. To establish justice.
3. To insure domestic tranquillity.
4. To provide for the common defence.
5. To promote the general welfare.

6. To secure the blessings of liberty to the people of the United States and their posterity.

26. **Departments of the Government.**—The legislative department, which makes the laws, the executive department, which enforces the laws, and the judicial department, which interprets the laws.

Experience has shown this way of distributing the powers of government to be well adapted to secure public liberty and private rights.

It is a fundamental principle of American government that these great powers (or any two of them) should not be confided to the same person or body, but that they should be given to separate departments, each independent of the others in its own proper sphere, and each forbidden to encroach upon the rights and powers of the others. But a certain blending of governmental powers permits each branch of the government to act as a restraint upon any arbitrary or unwise action of the others. In this way our Constitution establishes what is called a system of "checks and balances." For instance, the President appoints the principal officers of the government, but they must be confirmed by the Senate. So also he negotiates treaties, but they cannot become effective without the consent of the Senate. On the other hand, Congress makes the laws, but the President may veto them. The judges act as a check on both the other departments through their power to restrain unlawful official action and to refuse to give effect to laws which are contrary to the Constitution.

ARTICLE I.

THE LEGISLATIVE DEPARTMENT.

SECTION I. CONGRESS.

27. Legislative Powers.—All legislative powers granted in the Constitution are vested in a Congress of the United States.

28. Division.—Congress consists of a Senate and House of Representatives.

29. Reasons for Division.—

1. That both the people and the States may be duly represented. The Senate represents the States, and the House of Representatives the people.

In the Constitutional Convention the small States threatened to oppose the whole plan of a new government, unless in one branch they might have equal votes with the large States.

2. That each House may be a check on the other to prevent hasty and ill-considered legislation.

With two Houses each is likely to act with care and deliberation with the knowledge that its measures are subject to approval, revision or rejection by the other.

The word *House* is frequently used to designate either of the legislative bodies.

SECTION II. THE HOUSE OF REPRESENTATIVES.

30. Election.—Representatives are elected by the people of the several States.

31. Representatives "at Large."—The division of States into Congressional districts, each of which elects one Representative, is made by the State legislatures. In some instances one or more Representatives in addition to those chosen by the districts have been elected "at large," that is, by the people of the whole State. This has been done in States which have failed to rearrange their districts after a new appointment has increased the number of Representatives to which they are entitled.

32. **Term.**—The term of office of a Representative is two years.

It is a fundamental principle of republican government that representatives shall be directly responsible to the people whose servants they are. In order that the people may have due opportunities of showing their approval or disapproval of the conduct of their representatives, frequent elections are necessary.

33. **Salary.**—The salary of a Representative is \$7,500 a year. In addition, he is allowed mileage (to cover his expenses in going to and from the seat of government) and the pay of a clerk or secretary, and is supplied with stationery without cost.

34. **Qualifications for a Representative.**—

1. He must be not less than twenty-five years of age.

That he may have acquired the knowledge and experience necessary for the proper exercise of so important a trust.

2. He must have been seven years a citizen of the United States.

That he may be familiar with our institutions and may have a patriotic pride in sustaining them.

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3. He must, when elected, be an inhabitant of the State in which he shall be chosen.

That he may know the needs of his State.

It is not required that a Representative shall reside in the district in which he shall be chosen.

35. Apportionment.—Representatives and direct taxes are apportioned among the States according to their respective numbers, that is, in proportion to the population.

36. Taxation and Representation.—The rallying cry of the people during the Revolution was, "Taxation without representation is tyranny." The colonists had been taxed without their consent and this was one of the principal causes which impelled them to a change of government. Remembering the experience of the people under an unjust system of taxation, the framers of the Constitution, by placing taxation and representation on the same basis as regards apportionment, designed to establish equality of taxation and representation as a principle of our government.

37. Ratio of Representation.—The present ratio is one Representative for every 211,877 inhabitants.

This does not mean that every Congressional district must have at least 211,877 inhabitants. The districts are arranged by the State legislatures with a view to distributing the population among the districts as nearly equally as the population of cities and towns will allow. It is not desirable to divide a town so that a part shall be in one district and the remainder in another.

The last apportionment was established by Act of Congress, July, 1911.

38. Each State Entitled to Representation.—A State with a number of inhabitants less than the basis cannot be excluded from representation in the House. Each State, however small its population, shall have at least one Representative.

The admission of New Mexico and Arizona in 1911, with an allowance of one Representative each, brings the total number of Representatives up to 435.

39. Census.—The census is the process of counting or numbering the population. It is taken every ten years. The first census was taken in 1790; the last in 1920.

40. Territorial Representation.—Each organized Territory is allowed by Act of Congress to send one delegate to the House of Representatives, who has the right of debating but not of voting.

41. First Congress Under the Constitution.—The old Congress (under the Articles of Confederation) directed that the new Congress (under the Constitution) should meet at New York, on the fourth day of March, 1789. In the meantime the elections for President, Vice President, and members of Congress were to be held. A sufficient number of Representatives to constitute a quorum assembled on the first of April, and the Senate organized and chose its presiding officer on the sixth. The electoral votes were then counted, and George Washington was declared to have been elected President and John Adams Vice President. Washington went from his home at Mount Vernon

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to New York, and was sworn into office on the 30th of April. The Vice President had taken his place as President of the Senate. Thus the new government of the United States under the Constitution came into existence and began its work.

There was provision made for 26 Senators and 65 Representatives in the first Congress. The sixty-sixth Congress consists of 96 Senators and 435 Representatives.

42. Vacancies.—When a vacancy happens in the representation from any State, the executive authority thereof appoints a special election when the people elect a Representative to serve during the unexpired part of the term.

By executive authority is meant the **governor**, or the person performing the duties of that officer.

43. Power to fill Vacancy.—The power to fill the vacancy by appointment is not given to the governor, because the Constitution provides that Representatives shall be elected by the people. "Only the power that originally elects can legally fill a vacancy."

44. Speaker.—The presiding officer of the House of Representatives is called the Speaker. He is chosen by the House. As he is a regularly elected member, he has the right to speak and vote on all questions. His salary is \$12,000 a year and mileage.

The title of "Speaker" is copied from that of the presiding officer of the House of Commons of the British Parliament. The Speaker speaks for the House on occasions of ceremony, as the Speaker of the House of Commons formerly spoke in answer to the King when he addressed that body. The Speaker of the House of Representatives was formerly entrusted with

the important power of appointing all the committees of the House, which gave him great influence and a measure of power second only to that of the President; but now the committees are elected by the House.

SECTION III. THE SENATE.

45. Senate.—The Senate is composed of two Senators from each State.

46. Election.—Senators were originally elected by the State legislatures, but the Seventeenth Amendment to the Constitution (adopted in 1913) changes this by providing for their election by direct vote of the people.

47. Term.—The term of office of a Senator is six years.

The reasons for making the term of a Senator longer than that of a Representative are:

1. To obtain a body of wiser and more experienced men than the House is likely to contain. It was thought that the term being longer, more care would be taken in the selection of Senators.

2. To prevent such changes, at brief periods, in the membership of both Houses, as would tend to derange the public business and to cause too frequent changes in the laws.

3. As Representatives are so immediately responsible to the people, it is well that Senators should be made more independent in their action by the assurance of a longer term of service.

48. Salary.—The salary of a Senator is \$7,500 a year and mileage.

49. Classification.—The Senators were at first divided into three classes: the first class to retire at the end of the second year; the second class at the end of the fourth year; and the third class at the end of the sixth year.

Thus, while the House must be reorganized every second year, the Senate is a permanent body, since but one-third of its members retire at one time. By this arrangement, while new members are frequently entering, there always remains a large proportion of experienced Senators who are familiar with the public business.

50. Vacancies.—The Seventeenth Amendment to the Constitution directs that when vacancies happen in the representation of any State in the Senate, the executive authority of such State (the governor or the officer who is acting as governor at the time) shall issue writs of election to fill such vacancies; but the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

51. Qualifications for a Senator.—

1. He must be not less than thirty years of age.

The age requirement is greater than that for a Representative because of the greater dignity and importance of the position; the duties of a Senator being more varied and his powers greater than those of a Representative.

2. He must have been nine years a citizen of the United States.

Foreign-born persons are eligible to the Senate, but as they must have been in the country five years before they can become citizens, fourteen years must elapse before they can be elected Senators. As the Senate acts with the President in making treaties, it is important that Senators, if adopted citizens, should have been in the country long enough to become alienated from their native countries to such a degree that they will not wish to favor them unduly in the formation of treaties.

3. He must, when elected, be an inhabitant of the State for which he shall be chosen.

The propriety of this is evident. A resident will understand the local interests and needs and be more closely in touch with the people of the State than a non-resident.

52. Number.—There are ninety-six Senators, two for each of the forty-eight States.

53. President of the Senate.—The Vice-President of the United States presides in the Senate.

The office of Vice-President was created that there might be an officer to succeed to the Presidency in case of a vacancy in that office. If the Vice-President did not preside in the Senate he would have no duties to perform. As President of the Senate he holds a position of dignity and importance, and one which gives him an opportunity to gain a knowledge of the public business that would be of advantage to him should he be called to act as President. Moreover, it was thought that the Vice-President, representing the Nation and

not a State, would discharge the duties of presiding officer more impartially than a Senator.

As the Vice-President is not a member of the Senate he has not the right of debating and he can vote only in case of a tie, that is, when the Senators are equally divided. Such a vote is termed the "casting vote."

54. President Pro Tempore.—Early in each session the Senate elects a President *pro tempore* (for the time being), who presides whenever the Vice-President is absent.

When there is no Vice-President the President *pro tempore* receives the salary of the Vice-President.

55. Casting Vote.—Neither the President *pro tempore* nor the Speaker has a casting vote. Each has only his vote as a member of the body to which he belongs. In case of a tie the motion is lost, as a majority is needed to carry a vote, and a tie constitutes one less than a majority.

56. Committees.—The Senate elects its committees.

Much of the preliminary work of legislation is done by committees. The Senate has more than seventy standing (permanent) committees, and the House has more than fifty. Each house also has special committees which are appointed for temporary purposes, and joint committees are sometimes appointed. Subjects brought before Congress on which legislation is proposed are referred to appropriate committees for investigation and report. The committees are named from the subjects under their jurisdiction. Some of the most important committees are those on Ways and Means (which deals with tax and revenue measures), Appropriations, Foreign Relations, Finance, Commerce, and the Judiciary.

When each house of Congress passes a bill on the same subject, but the two bills are not identical in their provisions, or when one house proposes amendments which are not accepted by the other, a "conference committee" is appointed, composed of a small number of Senators and an equal number of Representatives, and it is the office of this committee to reconcile differences and effect compromises, so that eventually a bill may be drafted which will be accepted and passed by both houses.

Sometimes a legislative body resolves itself into a Committee of the Whole, which has, of course, the same membership as the body, and the same organization except the presiding officer, who is called the chairman and is appointed by the regular presiding officer of the House. The advantage of such a committee is that, many of the rules of the House being dispensed with, a measure may be discussed with more freedom and amended more readily than in regular session. The Committee of the Whole reports to the House in the same manner as other committees. The House may then adopt or reject the report.

57. Impeachment.—This is a process by which the President, Vice President, or any other civil officer of the United States, including the judges, may be accused of crime or official misconduct, and tried by the Senate sitting as a court of justice, and removed from office if he is found guilty. The House of Representatives has the sole power of impeaching a public officer, and the Senate has the sole power of trying him.

The grounds for an impeachment, as stated in the Constitution, are "treason, bribery, or other high crimes and misdemeanors." The latter term means not only offenses against the ordinary criminal laws, but also offenses of a political or official nature, that is, such misbehavior or wrongdoing in the exercise of his office as shows the person to be unfit to hold it. The process of impeachment is this: Any member of the House of Representatives may move the impeachment of any public officer who is liable to be proceeded against in that way. The question is then referred to a committee for a preliminary in-

vestigation and a report. If the report is in favor of the motion, it is voted on by the House, and if the motion is carried, the House appoints a number of its own members (usually five or seven) to be "managers of the impeachment." They draw up the formal written accusation, called "articles of impeachment," and present it before the Senate, and it is their duty to prosecute the impeachment upon the trial in the Senate. Thus the House may be likened to a grand jury, which presents the indictment, and the managers to the prosecuting attorney, and the Senate to a court which tries the accused and passes judgment upon him. By an express provision of the Constitution, the right of trial by jury cannot be claimed in cases of impeachment, and by another the President's power to grant a pardon does not extend to one who has been convicted on an impeachment.

58. Chief Justice as Presiding Officer.—The Chief Justice presides in the Senate when the President of the United States is on trial. The Vice-President is not allowed to preside at that time because he might be tempted to favor the conviction of the President in order to succeed him in office.

59. Conviction.—The concurrence of two-thirds of the members present is necessary to the conviction of an officer who is impeached.

60. Judgment.—In cases of impeachment, judgment shall not extend further than to removal from office and disqualification for holding any office of honor, trust, or profit under the United States.

The offender is further liable to prosecution in the courts and to punishment for his acts so far as they are offences against the laws.

61. Power of Impeachment.—This is one of the most important powers granted by the Constitution, as it is the only mode in which the Judiciary is made

responsible, and also acts as a check on the Executive.

62. Most Noted Case of Impeachment in our History.—Feb. 25, 1868, the House of Representatives impeached Andrew Johnson, President of the United States. The principal charge against him was the violation of a recent Act of Congress known as the Tenure of Office Act, in that he had removed Edwin M. Stanton from his position as Secretary of War without the consent of the Senate.

The trial began March 5, Chief Justice Chase presiding, and ended May 26th, when the President was acquitted. Thirty-five Senators voted "guilty," and nineteen "not guilty." This was one less than the two-thirds vote required for conviction.

SECTION IV. BOTH HOUSES.

63. "A Congress."—By this term is meant the whole body of Senators and Representatives holding office for two years from March 4 of every odd year.

These two years constitute a Representative term of office.

64. Congressional Elections.—The State Legislatures have power to regulate Congressional elections, but Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

"The propriety of this clause rests on the proposition that every government ought to contain in itself the means of its own preservation."—*Alexander Hamilton*.

Should the States refuse to make such regulations, the operations of the general government would be suspended, if this power were not given to Congress.

65. Exception as to Places.—The purpose of this restriction was that Congress should not have the arbitrary power of dictating to State legislatures where they should meet. The legislatures should decide this with reference to their own convenience. But this has ceased to be of importance now that Senators are elected by popular vote and not by the State legislatures.

66. Assembling of Congress.—Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December unless Congress shall, by law, appoint a different day.

67. Sessions.—Each Congress holds two regular sessions. The first is often called the “long session”; the other, the “short session.”

Each Congress ends at noon, March 4, at the end of the second regular session.

The President has power to call together either or both of the Houses of Congress in a “special” or extra session, on extraordinary occasions, that is, whenever he considers that the public interests require it.

SECTION V. POWERS OF EACH HOUSE.

68. Membership.—Each House shall be the judge of the elections, returns, and qualifications of its members.

When two persons claim the same seat in either House, that House has the power to decide which was

legally elected and is therefore entitled to the seat. Until a decision is reached, the seat is said to be contested.

Each House may decide whether any person elected to membership therein has the qualifications for membership prescribed by the Constitution.

Returns are the formal official accounts by election officers of the votes cast at elections.

69. Quorum.—A majority constitutes a quorum in each House. If a quorum is not present, no business can be done. But a number less than a quorum (fifteen members by the rules of the House of Representatives) may compel the attendance of absent members, so that the public business may proceed.

A majority is more than half. Less than half is a minority.

There has been much controversy as to whether in order to constitute a quorum a majority must be present and voting, or simply *present*, when business is transacted. The practice in the past has not been uniform. At times, a present quorum has been regarded as sufficient; at others, a voting quorum has been required. Under the latter rule the way is open for the minority party to "filibuster," by refusing to vote, when the majority party has not a sufficient number present to constitute a voting quorum. In this way the public business has been greatly delayed.

Another question that has caused much discussion is, who shall determine the presence of a quorum. In practice a quorum is ordinarily presumed to be present, and legislative business proceeds, however few members take part, by consent of those who are silent. If at any time a member suggests that there is no quorum, that point must be decided before final action is taken on any question. It has not been definitely decided that a quorum is necessary during debate.

The Constitution provides no method of ascertaining the

presence of a quorum. To allow the presiding officer to determine the question seems to be placing a dangerous power in the hands of one man.

These difficulties have been met in the House of Representatives by the adoption of a rule (April 18, 1894,) which recognizes the principle of a present quorum as correct, and prescribes a method of counting a quorum which seems safe and fair. The rule provides that upon each roll-call the Speaker shall appoint two tellers, one from each side of the pending question, whose duty it shall be to note the presence of members who do not vote or do not answer "present"; and that in determining whether a quorum is present the Speaker shall take into consideration the names of those who have voted yea and nay, the names of those who have responded "present," and, if necessary, the names of others who have been noted by the tellers but have not responded at all.

70. Adjournment.—A number less than a quorum may adjourn from day to day. This provision, together with that which authorizes a minority to compel the attendance of absent members, is necessary to prevent an interruption of the session and to make sure that factious members cannot obstruct the public business by absenting themselves from their places without good reasons.

71. Adjournment by President.—In case the two houses of Congress cannot agree as to the time of adjourning a session, the President may adjourn Congress to such time as he shall think proper. But this is the only case in which he has the power to end a session of Congress. If he could prorogue or dissolve the Congress at his own will and pleasure, he could prevent the people's representatives from making the laws or taking part in the government of the country.

72. Restrictions on Adjournment.—Neither House shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which both are sitting.

This is to prevent either House from long interrupting the course of legislation as, in case of a conflict between the two Houses, might otherwise happen. An adjournment for three days is permitted to allow for Sundays and holidays.

73. Pairing.—Sometimes a member who is obliged to be absent when the passage of an important measure is pending, in order that his party may not lose his vote, *pairs* with some member of the opposite party who is to be present when the vote is taken. As the absent member cannot vote, the member with whom he is *paired* is allowed to decline to vote. The result is the same as though both were present and voting on opposite sides.

74. Removal from Office.—Each House, with the concurrence of two-thirds, may expel a member.

75. Journal.—Each House shall keep a journal of its proceedings and, from time to time, publish the same except such parts as may, in their judgment, require secrecy.

The journal is a written record of the proceedings.

76. Yeas and Nays.—These shall be entered on the journal when the final vote is taken on the reconsideration of bills vetoed by the President, and on any question at the desire of one-fifth of the members present.

The yeas and nays are the votes for and against a measure.

The object of this provision is that, by the publicity thus given, members may be held immediately responsible to the people for their votes on important questions.

The yeas and nays are taken by calling the roll of members, each, in turn, announcing his vote, which is then recorded.

77. **Filibustering.**—At times, a minority, bent on defeating a pending measure, have consumed the time during which it could be considered by making many and frequently trivial motions and insisting on the calling of the roll on each motion. The motion to adjourn, which, being a highly privileged motion, can be renewed frequently, is often made to serve this purpose. Sometimes this practice has been kept up for several days and nights. This and other artful methods of delaying legislation have been termed "filibustering." As the original meaning of "filibustering" is an irregular and irresponsible mode of carrying on war, it is appropriately applied to such methods of parliamentary warfare.

SECTION VI. PRIVILEGES OF MEMBERS.

78. **Compensation.**—Members of Congress are paid for their services by the general government out of the treasury of the United States.

79. **Personal Privileges.**—I. Members are privileged from arrest in all cases except treason, felony, and breach of the peace, during the sessions of Congress and while going to and returning from the same.

Freedom of members from arrest secures to their constituents their rightful representation in Congress. The public interests should not suffer because one man has committed some minor offence.

2. For any speech or debate in Congress a member shall not be questioned in any other place.

That is, *legally* questioned. This preserves members from suits for slander on account of words spoken in their places in Congress, and secures to them the utmost freedom in the discussion of public questions. This privilege does not give a member of Congress the right to publish a speech in which he defames the character of others. In such case he is as liable to the penalties provided by law as any other man.

An arrest is the seizure and detention of a person by a public officer duly authorized to perform that act.

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort." Const. art. 3, sec. 3. Felony is a crime of a grave or atrocious nature, or, generally speaking, one which is punishable by death or imprisonment in a penitentiary. Breach of the peace is disorderly conduct or such behavior in a public place as disturbs the public peace. As here used, the term includes any indictable offense. It is also included in the privilege of a Senator or Representative that he cannot be compelled to attend court as a witness or serve as a jurymen. But this does not prevent him from being liable to an ordinary civil suit.

80. Members of Congress and United States Offices.—No person holding any office under the United States shall be a member of either House during his continuance in office.

A member of Congress is not an officer of the United States, but a representative of a State or of the people. It would not be proper for him to hold office under the United States, as matters relating to that office might become the subjects of legislation, and he

ought not to be allowed to vote on any matter in which he is directly interested as an individual.

SECTION VII. HOW THE LAWS ARE MADE.

81. Bill Defined.—A bill is a proposed law drawn up in proper form.

When a bill becomes a law it is called an Act or Statute, from the Latin, *Statuo*, to fix or establish.

82. Revenue.—All bills for raising revenue shall originate in the House of Representatives.

Revenue is the income of a nation or the money received into its treasury for public use. The word has a restricted meaning here, applying only to money raised by taxation and not from other sources, as the sale of public lands, etc. Bills relating to other subjects may originate in either House. The reason for the exception as to revenue is that since the people by the payment of taxes furnish the greater part of the revenue, they should have the power, through their direct representatives, of deciding how much money should be raised by taxation, and in what manner. This provision would operate as a check on the President or the Senate, or both, should they desire to carry out any expensive policy which the people did not approve. The people, through the House of Representatives, would refuse to raise the necessary revenue.

83. How a Bill May Become a Law.—I. The bill must pass both Houses by a majority vote in each, and then must be sent to the President for his signature. If he approves the bill he signs it and it becomes a law.

2. If the President vetoes a bill (that is, refuses to sign it,) he returns it, with his objections, to the House in which it originated. If, after reconsideration, two-thirds of each House approve the bill, it becomes a law without the President's signature. In such case the bill is said to be passed over the President's veto.

3. If a bill is sent to the President for his signature, and he does not return it within ten days (Sundays excepted) after it has been presented to him, it becomes a law in like manner as if he had signed it, unless Congress, by their adjournment, prevent its return, in which case it shall not become a law.

The word "veto" means "I forbid." The power by which the President forbids a bill to become a law by refusing to sign it, is called the "veto power."

During the last ten days of each session of Congress many bills are passed. Such of these as do not meet the approval of the President he has only to retain in his possession (keep in his pocket, so to speak,) until the adjournment of Congress, when, of course, they fail to become laws. This method of preventing Congressional action is termed "pocketing" the bill or the "pocket veto." This applies especially to bills passed during the last ten days of the short session, the date of adjournment of which is definitely fixed. If the President disapproves of any part of a bill, he must veto it as a whole, or else sign it. He has no power to veto separate items in an appropriation bill, for instance, as the governors in many of the States may do.

84. Purpose of the Veto Power.—It serves as an additional check to hasty and crude legislation, and as a weapon with which to defend the Executive Department.

85. **Orders and Resolutions.**—All orders, resolutions, and votes of Congress (except on a question of adjournment) to which the concurrence of both houses may be necessary, must be presented to the President, like bills, for his approval or disapproval. This is designed as a guard to the executive power. It prevents Congress from passing under the guise of an order or resolution a measure which the President would veto if it were in the form of a bill, or which, as a proposed act of Congress, he has already vetoed.

Orders, resolutions, and votes are expressions of the opinion or will of a legislative body in a less formal and extended manner than by the passage of bills. Resolutions are joint or concurrent. An act of Congress is the proper means of making a general law which is to operate through the whole country and bind all persons who may come within its terms. A *joint* resolution is one adopted by both houses and which has the force of law, and therefore must be submitted to the President, but which does not affect the whole people, but only one or more individuals or some branch of the public service. Recent examples are resolutions "creating a commission to report a plan for a national budget system," "authorizing the appointment of an ambassador to Peru," and granting American citizenship to a named individual. Joint resolutions are also used to propose amendments to the Constitution, and for some other purposes, as, for example, the declaration of war against Germany was made by a joint resolution, which was submitted to the President and approved by him April 6, 1917.

A *concurrent* resolution is one which is adopted by both houses, but which does not operate as a law or does not have the force of law, but either relates to the business of Congress itself or else merely expresses the opinion or desire of Congress on a given subject, and therefore need not be submitted to the President. Examples are resolutions "creating a joint committee on departmental accounts," authorizing the printing of extra copies of public documents where the expense exceeds

\$500, and "declaratory of the judgment of Congress respecting foreign alliances."

Each house of Congress frequently adopts resolutions of its own, but as the concurrence of the other house is not necessary, they are not laid before the President.

SECTION VIII. POWERS OF CONGRESS.

86. Power of Taxation.—Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States.

Taxes are sums of money exacted of the people by the government to defray its expenses and for other public uses. Duties are taxes on goods imported or exported. Imposts are taxes on imported goods; but such taxes are now generally called "customs duties." Excises are taxes on goods produced in the country, such as tobacco, for instance, or on sales of commodities, or on certain privileges, such as the charter of a corporation. These words are all used here to dispel every doubt as to the unlimited power of Congress to levy taxes of all kinds. But all United States taxes, other than customs duties, are known as "internal revenue taxes."

The government now levies internal revenue taxes on incomes, on estates of decedents, on excess profits of corporations, on the capital stock of corporations, on various occupations (brokers, proprietors of theaters, bowling alleys, etc.), on the transportation of passengers and freight by railroads, on theater admissions and club dues, on various legal and business documents (in the form of stamp taxes), on the sale of a variety of commodities, and on other objects.

But there are limits on the power of Congress to lay taxes. In the first place, it was originally provided that direct taxes, like Representatives in Congress, must be apportioned among the several States according to their population. (Direct taxes are taxes laid directly on the person, as a poll tax, or directly on property, as a tax on land, or on a person's income. They are so called to distinguish them from indirect taxes, such as

those levied on imported goods or on the products of the country.) This prevented the imposition of a general income-tax, because, in respect to income derived from some sources, a tax upon it is a direct tax, and it would be impossible to apportion such a tax among the several States. But in 1913 the Sixteenth Amendment to the Constitution was adopted, and this provides that "Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." In the same year a law taxing incomes was passed.

The Constitution also says that "no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken." (A capitation tax is a poll tax or a tax laid on the person without reference to property.) But if this includes the tax on incomes, it is also done away with by the Sixteenth Amendment.

Congress may not lay any tax or duty on articles exported from any State, since such duties evidently could not be distributed equally among the States. And all duties, imposts, and excises must be uniform throughout the United States. This uniformity is geographical, that is, it is sufficient if United States taxes are laid equally throughout all parts of the country; it is not necessary that they should bear equally upon all persons.

But it should be noticed that the broad power of taxation is given to Congress only "to pay the debts and provide for the common defense and general welfare of the United States." That is, this important power can be exercised only for the benefit and welfare of the whole country. But the term "the general welfare" has received a very broad interpretation.

87. To Borrow Money on the Credit of the United States.—No power but Congress can lawfully create a national debt. While the ordinary expenses of the government are expected to be paid with money raised by taxation, it is sometimes necessary, especially in a crisis like that created by the Civil War, 1861-

1865, or the much greater crisis created by the World War of 1914-1918, for the government to borrow money to meet its extraordinary expenses, looking to the future for the gradual payment of the debt.

Without this power the government would be helpless when the life of the nation was at stake, for the ordinary revenue would not go far towards paying the expenses incurred in its defense. At the close of the Civil War the nation was in debt to the amount of about two and a half billion dollars. But in 1920 the aggregate sum of its borrowings (called collectively "the national debt") was nearly ten times as much. Of this amount the almost incredible sum of seventeen billion dollars was raised in less than two years by four successive popular subscriptions, called the "Liberty Loans." The national debt is represented, in the hands of those to whom it is owed, by bonds, treasury certificates of indebtedness, War Savings Certificates, etc.

88. National Banks; Federal Reserve Banks.—The power of Congress to pass laws on the subject of banking and the currency is derived from its power to borrow money on the credit of the United States, the National Banks, created under an Act of Congress passed in 1864, and the Federal Reserve Banks, under an Act passed in 1913, being designed to serve as agencies or instrumentalities of the United States in the management of its fiscal affairs.

Near the close of the Civil War, Congress judged it necessary to take some action to regulate the currency (paper money), which at that time consisted chiefly of notes issued by various State banks, and to unify it and place it on a national basis. At the same time it was necessary to create a wider market for government bonds and to stabilize and sustain their value. To accomplish these two purposes, the national banking act was passed, which authorizes the formation of "national

banking associations," or "national banks," as they are more commonly called, and gives them the valuable privilege of issuing their own notes, to circulate as money, up to ninety per cent of the par value of government bonds which the banks are required to purchase and deposit in the Treasury as security for their notes. A prohibitive tax was laid upon the notes of State banks, so as to drive them out of circulation, and thus it came about that the currency of the country consisted wholly of notes or certificates issued directly by the United States and national bank notes secured by United States bonds.

But while the currency was thus established upon a firm and uniform basis, it lacked the quality of elasticity. That is to say, in order to avoid wide fluctuations in the money market, it is necessary that the currency of a country should be able to expand and contract in proportion as there is need for a greater or less amount of it. For this purpose the federal reserve banking system was established in 1913, and the banks created by it are empowered to issue their notes (federal reserve notes) not only against government bonds but also against collateral security, such as notes, drafts, bills of exchange, and acceptances, with provisions for the quick and easy enlargement or contraction of the amount of such notes outstanding.

Under this system, the continental United States is divided into twelve districts, and in one city of each of the districts there is established a Federal Reserve Bank. These cities are Boston, New York, Philadelphia, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Kansas City, Dallas, and San Francisco. Every national bank is required to become a stockholder (to an amount equal to six per cent of its capital and surplus) in the Federal Reserve Bank of the district in which it is situated, and the privilege of becoming stockholders or members is given to State banks and trust companies on certain conditions. A Federal Reserve Bank does not do business with the general public as bankers usually do, but is rather a bankers' bank, its customers being chiefly the constituent or member banks. Thus the regulation and supervision of practically the entire banking business of the country is brought under the control of the Federal Reserve Board, which is appointed to manage and direct the system as a whole. This

board consists of seven members, namely, the Secretary of the Treasury and the Comptroller of the Currency, as representing the government, and five other members who are appointed by the President. The five so appointed are required to devote their entire time to the business of the board, at an annual salary of \$12,000, and one of them is designated by the President as Governor and another as Vice Governor of the Board.

89. To Regulate Commerce.—If this power had been given to the States there could have been no enduring Union, for doubtless each State would have made laws favoring its own commerce at the expense of other States. Thus local jealousies and rivalries would have been created, which would have strained and weakened and at length broken the bonds of union. The lack of this power in the general government, under the Confederation, was one of its chief defects, and, as a consequence, the commerce of the country was nearly destroyed because of the conflicting laws of the States.

This is a power of vast and far-reaching extent and many of the most important Acts of Congress have been passed in the exercise of it. But it is not unlimited. The commerce which is subject to the regulation of Congress is such as is transacted with foreign countries, or among the several States (called "inter-state" commerce), or with the Indian tribes. But each State retains full control over such commerce as is conducted wholly within its own borders. Further, there is a limitation in the Constitution that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another,

nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another."

In the exercise of its power to regulate *foreign* commerce, Congress has enacted navigation laws, to govern ships at sea, and shipping laws, which control the transportation of passengers and freight by sea, and the Seamen's Act, for the benefit and protection of sailors on American merchant vessels, and laws for the establishment and maintenance of light-houses, and national quarantine and sanitary laws, and (partly as a war measure, but justifiable also under this power) the Act creating the United States Shipping Board, to build, buy, and operate merchant ships. Moreover, in the regulation of foreign commerce, Congress has from time to time enacted tariff laws, laying duties on imported goods for the purpose of raising revenue for the support of the government, and of protecting home industries against competition with foreign industries of the same kind. And it has created a United States Tariff Commission, to compile statistics and advise Congress in the framing of tariff legislation. And since commerce is not limited to the exchange of commodities, but includes intercourse with foreign nations as well, and this includes the transportation of passengers, the entire subject of immigration from foreign lands is within the power of Congress to regulate or restrict.

Interstate commerce includes the transportation of persons and freight by any and all means of communication which cross State lines, that is, which pass from one State into another or others. Hence all the great railroad systems of the country are within the regulatory power of Congress, and many important laws have been made in regard to their operation, such as safety appliance acts, hours of service act, employers' liability act, a boiler inspection act, an act regulating the transportation of explosives, and a bills of lading act. But the most important law of this kind is the Interstate Commerce Act, passed in 1887, and frequently amended, which created the Interstate Commerce Commission, one of whose principal duties is to regulate the charges made by interstate railroads, the object being to secure fair and uniform rates for freight and passengers. This Commission now consists of nine mem-

bers, each holding office for a term of seven years at an annual salary of \$10,000.

It was also in the exercise of this power that Congress, in 1906, passed the Pure Food and Drugs Act, which forbids the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, and medicines, and the act (1918) for the protection of migratory game birds.

The power to regulate commerce also includes the power to forbid or prevent any unlawful restraints upon its freedom. To effect this Congress passed the Sherman Anti-Trust Act (1890), which declares illegal all contracts, combinations, and conspiracies in restraint of foreign or interstate commerce or trade, and prescribes severe penalties, both civil and criminal, against those engaging in such contracts or conspiracies, or monopolizing or attempting to monopolize such trade or commerce. In the further exercise of the same power, and with a similar purpose, an Act was passed in 1914 creating the Federal Trade Commission, of five commissioners appointed by the President for a term of seven years at an annual salary of \$10,000, whose principal duty is to prevent persons and corporations from using unfair methods of competition in commerce.

90. To Establish a Uniform Rule of Naturalization.—Naturalization is the process by which a person born in a foreign country becomes a citizen of the United States. The rule must be uniform throughout the country; otherwise a person removing from one State to another might lose his rights of citizenship and be obliged to wait some time before he could recover them under a different system of laws. Thus great confusion and inconvenience would be caused.

91. Process of Naturalization.—1. The foreigner declares on oath before a United States, State, or Territorial Court his intention to become a citizen of the United States. He then receives his "first

papers," that is, a certificate from the clerk of the court.

2. Two years, at least, having elapsed, the foreigner takes the oath of allegiance in open court, when he must prove by two witnesses that he has resided continuously in the United States five years, and in the State where the court is held one year, that he has borne a good moral character and has been well disposed toward the government. He then receives his "second papers" and is entitled to full citizenship.

This naturalization extends to his minor children, if they live in the United States.

Special concessions are made in the case of foreigners serving in (or recently discharged from) the military or naval forces of the United States and seamen on American merchant ships. But anarchists, polygamists, and persons who cannot speak the English language are excluded from the benefit of naturalization, as also Chinese persons. In fact, those who may be naturalized are described merely as "free white persons, and persons of African nativity or descent."

In taking the oath of allegiance, the foreigner renounces allegiance to every foreign government, and particularly that of which he has been a citizen or subject, and solemnly promises to support the Constitution of the United States. If he has borne any title of nobility, he must likewise renounce it on applying for American citizenship.

92. To Establish Uniform Laws on the Subject of Bankruptcies Throughout the United States.—It was necessary to give this power to Congress, both

to secure a uniform system of bankruptcy law, courts, and administration throughout the whole country, and because the States, being forbidden to impair the obligation of contracts, cannot make or enforce a true bankruptcy law.

Bankruptcy is the state of being bankrupt or unable to pay one's debts. A bankruptcy law is a law providing for the equal distribution of the property of a bankrupt among his creditors, and by which, on giving up his property to be so distributed, he may be discharged from legal obligation to make any further payment. An Act of Congress of this kind is of equal authority, and is administered in the same way, everywhere within the United States. The United States District Courts have jurisdiction of all proceedings in bankruptcy. Thus far in our history, this power of Congress has been exercised four times. The bankruptcy law of 1800 was repealed in 1803; that of 1841 was repealed in 1843; that of 1867 was repealed in 1878; that of 1898 is still in force.

93. To Coin Money and Regulate the Value thereof.—The object of this power is to secure uniformity in the value of money throughout the Union, and to protect the people from the evils of a currency subject to frequent changes in value.

The money of the United States is coined in the government mints at Philadelphia, San Francisco, and other places. Currency, such as "greenbacks," bank notes, and the like, is not really money, but only a promise to pay money on demand; but as this promise is backed by the honor and faith of the government, paper money circulates everywhere as the equivalent of gold or silver coins. The currency now consists of United States notes, or treasury notes, national bank notes, federal reserve notes, and gold and silver certificates.

94. To Fix the Standard of Weights and Measures.—A standard of weights and measures is an es-

tablished rule or model by which all weights and measures may be tested to ascertain if they are correct. This power was confided to Congress for the sake of uniformity and on account of its relation to trade and commerce.

Congress has never fully exercised this power. But it has provided a standard Troy pound for the regulation of the coinage, passed a permissive statute for the use of the metric system throughout the United States, enacted a law defining and establishing the units of electrical measure in accordance with the standards generally adopted by international agreement of electricians, and established a Bureau of Standards for the making, preservation, and supply of standard instruments of measurement. This Bureau was established in 1901. Its duties relate to the standardization of weights and measures, the construction of standards, the testing and calibration of measures, and the solution of problems in connection with standards; and its services are for the benefit of the United States, any State or municipality, or any scientific or educational institution, or any individual or corporation in the United States engaged in manufacturing or other pursuits requiring the use of standard measures.

95. To Establish Post-Offices and Post-Roads.—Post-roads are roads that may be used as mail routes. The government now generally uses for this purpose roads constructed by others. Early in the 19th century the government built a post-road, known as the Cumberland, and sometimes as the National, road, from the Potomac river to the Ohio. The Pacific railroads, which the government, by grants of land and issues of bonds, helped to build, are post and military roads.

The powers conferred by this grant of authority extend much beyond this. They invest Congress with the exclusive control

over the entire postal system of the country. This includes the organization of the post-office department, the appointment of its numerous officers, the designation of the cities and towns in which local post-offices shall be established, the providing of suitable accommodations for the post-office in such places, the determination of the routes over which the mails shall be carried, including the rural free delivery service, and the collection and distribution of the mails in cities, contracting for the transportation of the mails, the purchase of the numerous supplies of every sort needed for the business of the post-office, the manufacture and sale of stamps, the postal savings system, and the definition and punishment of crimes which tend to obstruct or defeat the operations of the government under this power or to endanger the security of the mails.

96. To Grant Patents, Trade-marks, and Copyrights.—A patent is an exclusive right granted to an inventor to make and sell a new invention, such as a machine, an article of manufacture, a composition of matter, a process or art, which patents are granted for seventeen years, without renewal except by act of Congress.

Patents are granted also for designs, such as ornaments, patterns, and pictures, to be placed on or worked into manufactured articles, or any new shape of such articles, and are granted for three and one-half, seven, or fourteen years, at the option of the applicant.

Trade-marks, consisting of an arbitrary symbol or design, such as are placed by manufacturers on their productions to distinguish them from those made by other persons, are registered for twenty years, with the privilege of renewal and extension for twenty years.

A copyright is an exclusive right granted to an au-

thor or publisher to print and sell a book, map, engraving, or other literary or artistic work within the limits of the country, and is granted for twenty-eight years, with the privilege of renewal for twenty-eight years.

The exercise of this important power by Congress has made the American people first among the nations of the world in the number, variety, and ingenuity of inventions.

97. To Define and Punish Piracies, etc.—Congress has power to define and punish piracies and felonies committed on the high seas and offenses against the law of nations.

This power is necessary because it is the United States (and not the individual States) which has control of our foreign relations, and to which other nations must look for co-operation in enforcing the rules of international law, as well as for the redress of injuries committed against that law. *Piracy* is a robbery or forcible depredation upon the high seas, without lawful authority, done in the spirit and intention of universal hostility. Under United States laws, the punishment is imprisonment for life. *Felonies* are crimes of the more grave or atrocious sort. The "*high seas*" are the great oceans, outside the boundaries or territorial waters of any state. They are not the property of any nation but of all mankind, and are free for the passage of the ships of every people. The *law of nations*, or international law, is the system of rules and principles which civilized nations recognize as binding upon them, and by which they agree to be governed, in their mutual dealings and relations.

98. To Declare War.—This important power is not confided to the judgment and discretion of any one man, even the President, but to Congress, that is, to

the representatives of all the people and of all the States, since all must share the burdens of war.

The power of Congress does not stop with a declaration of war. It is not given power to "wage" war, because that belongs to the President as commander in chief. But Congress may take all the measures necessary to prosecute the war to success. "This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns."

When the United States entered the Great War in 1917, Congress proceeded to pass many laws which were necessary to raise a sufficient military force and to mobilize the power, industry, and resources of the entire country. Among them were the selective draft act, by which an army of 4,000,000 men was raised; the Liberty Loan acts, which provided 17 billion dollars; the laws registering and restricting the activity of such alien enemies as were already within the country, and forbidding all trading with the enemy; the espionage law (forbidding spying or the betrayal of military secrets) and laws punishing seditious conduct against the government which might aid the enemy; laws authorizing the President to take over and operate the entire railroad system of the country as well as the telegraph, telephone, and cable lines; laws authorizing the government to build, buy, and requisition ships; a law creating the War Finance Corporation, to provide credits for industries and enterprises necessary or contributory to the prosecution of the war; laws for the conservation and control of all food products and fuel; and laws to provide housing for war needs, to prohibit sabotage with respect to war material or premises or utilities connected with the war, to regulate the manufacture and distribution of explosives, to provide insurance for the soldiers, and for many other purposes. This will illustrate the immense and far-reaching powers which are vested in the representatives of the American people when the country engages in a war.

Many of these laws seemed to infringe deeply upon the liberty which belongs to the citizens of a free country. But it is important for the reader to remember that they were all

justified by the power given to Congress to "declare war," that is to say, by the Constitution itself. For even in time of war the Constitution is not suspended or set aside, but remains supreme. The Supreme Court has said: "The Constitution of the United States is a law for rulers and people equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. The government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence."

99. Letters of Marque.—The same clause of the Constitution which empowers Congress to declare war also authorizes it to "grant letters of marque and reprisal and to make rules concerning captures on land and water."

Letters of marque and reprisal are commissions granted by a government to private persons, authorizing them to go beyond the "mark" or boundary and to seize the property of another government or of its subjects, in retaliation for wrongs and injuries received from that government and which it has failed to redress. Private armed vessels whose owners have such commissions are called "privateers," and their share of the value of captured property or ships is called "prize money." The laws of the United States recognize and provide for privateering, but it is now never resorted to except as an aid in prosecuting war against a foreign country, and not always then.

100. To Raise and Support an Army and Navy.—Congress has power to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces.

Without this provision the country would be helpless to defend itself or to carry on a war. But this power is carefully guarded by the provision that no appropriation of money for the army shall be for a longer term than two years. Thus the people, by controlling the public purse, keep control of the army and navy. Standing armies have been regarded as a menace to the liberties of the people. In time of peace the military and naval forces are recruited by voluntary enlistment, but in the Great War (as also in the Civil War) it became necessary to resort to conscription or a military draft law to raise sufficient forces. The regulations for the government of the army and navy are embodied in a set of rules called the "Articles of War." Military offenses committed by soldiers or sailors are tried and punished by "courts martial," which are military courts convened under the authority of the government and the Articles of War.

101. The Militia.—Congress has power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, also to provide for organizing, arming, and disciplining the militia.

The militia is the body of soldiers in a state or country enrolled for organization and discipline, but not engaged in actual service except in emergencies, as distinguished from regular troops or a standing army. The enrolled militia of the United States includes all able-bodied men in the nation between the ages of eighteen and forty-five years, except the regular army and certain civilian classes who are exempt. Each State has its active militia (the National Guard) made up of volunteers, organized into companies, regiments, and brigades; equipped by the State, and subject to discipline and drill.

102. To Exercise Exclusive Legislation over the district in which the capital is located, and all places purchased by the government for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

A magazine is a strong building for storing explosive materials.

An arsenal is a building for the manufacture and storage of arms and military stores.

A dock-yard is a navy-yard containing naval stores and materials for building ships of war, and dry-docks for vessels during repairs.

103. The District of Columbia.—This is the district in which is situated the city of Washington, which is the national capital and the seat of government of the United States. It is formed from territory which was ceded to the United States by the State of Maryland. (That portion of the district which was originally ceded by the State of Virginia was afterwards ceded back to Virginia.) It is territory over which Congress has the right to “exercise exclusive legislation,” but of course subject to the other provisions of the Constitution.

The District of Columbia is neither a State nor a Territory. In law it is a municipal corporation, like a city or a county. It is governed by a board of three Commissioners, who are appointed by the President for a term of four years, and one of whom must be an engineer officer in the army. These Commissioners have the power to make regulations and ordinances, but the laws for the District are made by Congress itself. The judges and all the other officers of the District are appointed; none is elected by the people.

104. General Power.—Congress may make all necessary and proper laws for carrying into execution all powers vested by the Constitution in the government of the United States.

It is the opinion of writers on the Constitution that Congress would have had this general power if this

provision had not been placed in the Constitution, on the ground that a grant of powers carries with it all needed authority for exercising the powers granted. To place the question beyond doubt or cavil this provision was inserted.

Almost the entire criminal jurisprudence of the United States is derived from this power. Among the *specific* powers granted to Congress by the Constitution there are only two instances in which the definition and punishment of crimes are mentioned: First, Congress has power to "provide for the punishment of counterfeiting the securities and current coin of the United States"; and second, "to define and punish piracies and felonies committed on the high seas and offenses against the law of nations." But, as we have seen in the preceding sections, Congress possesses and has exercised the power to make laws on many varied and important subjects. And to make them effective it is necessary to make sure that they shall be obeyed and not violated. Hence laws for the punishment of those who shall disobey or attempt to frustrate the various acts of Congress are "necessary and proper" in the sense of the Constitution. Such laws have been made for the punishment of offenses against the revenue, against the postal service, against foreign and interstate commerce, perjury, embezzlement, malfeasance in office, and many other felonies or misdemeanors. All these are embodied in the "Criminal Code of the United States," enacted in 1909.

SECTION IX. POWERS DENIED TO THE UNITED STATES.

105. Habeas Corpus.—The privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.

A writ is a written order from a court or magistrate to a public officer commanding him to perform some specified act.

Habeas corpus is from the Latin language and means "You may have the body." The privilege of this writ is justly regarded as one of the great safeguards of individual liberty. A person arrested and held in confinement on any charge may apply, himself, or through any friend, to the judge of a court for the granting of this writ, which commands those having him in charge to bring him before the judge, who, on hearing the evidence, decides whether or not the prisoner is lawfully deprived of his liberty. The privilege of *habeas corpus* was never suspended in this country until the Civil War made its suspension necessary in some instances.

This great safeguard of personal liberty is so highly regarded, that some States have placed in their constitutions a provision that the privilege of *habeas corpus* shall *never* be suspended by the State authorities.

106. Attainder and Ex Post Facto Laws.—Congress may not pass any bill of attainder nor any *ex post facto* law, and the next section of the Constitution applies this prohibition equally to the States.

A bill of attainder is a legislative measure inflicting punishment, generally death, for treason or other crime, without a trial in court.

An *ex post facto* law is a law which makes an act punishable that was not punishable when committed or which makes an act punishable in a manner in which it was not punishable when committed.

107. Export Duties.—Congress may not lay a tax or duty on articles exported from any State.

Such duties could not be distributed equally among the States because they do not all export the same articles, the exports of some being mainly agricultural products, of others manufactured goods, or the productions of mines. Duties on exports would therefore bear heavily on some and lightly on others. To prevent this inequality, the power to lay such duties is denied to Congress.

108. Restrictions as to Interstate Commerce.— No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

When a vessel leaves a port the captain must obtain a clearance; that is, a certificate from the collector of customs at that port, stating that all fees having been paid and all requirements of the law having been complied with, the vessel has been cleared at the custom-house and may leave the port. When a vessel enters a port it is required that the captain shall report the arrival, give a statement of the cargo, and show the clearance he received at the port from which he came. This is termed an entry. The clause in the Constitution relating to the clearance and entry of vessels is liable to be misunderstood. The meaning is that vessels bound to a foreign country from any State, or from a foreign country to any State, shall not be obliged to clear or enter in another State, and that vessels bound from one State to another shall not be obliged to clear or enter in a *third* State. Before the Revolution, Great Britain had compelled American vessels bound to foreign ports to go first to England. It was the purpose of the Constitution to place the States on a basis of equality as regards trade. In the coasting trade between ports of the United States vessels are not generally required to clear or enter.

109. Expenditures.—No money shall be drawn from the treasury except on appropriations made by law. This is an additional guard against the expenditure of the money of the people without their consent legally expressed through their Representatives. And in addition it is provided that a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Special appropriations of money for special purposes are made by separate bills from time to time. But the ordinary expenses of the government are provided for in the great annual appropriation bills, such as that for the legislative, executive, and judicial departments, for the post office department, for the army and navy, for the agricultural department, and so on. The heads of all the departments annually prepare estimates of the funds needed by their departments in the ensuing fiscal year, and these are submitted to the Secretary of the Treasury, who compiles them all (including his own) into the "Book of Estimates," which is laid before Congress for its information and guidance in framing the appropriation bills. Proposals for a national budget, to be prepared and submitted by an executive bureau, which shall be independent of all the departments, are at this time under consideration by Congress.

110. Titles.—The United States may not grant any title of nobility.

This clause forbids all distinctions of rank, thus reaffirming the great principle of equality announced in the Declaration of Independence. The corner-stone of the republic is equality of rights, privileges, and rank among all citizens.

A title of nobility is a name of honor, dignity, or rank, as duke, marquis, count, etc., conferred by a government on a subject, and which generally may be transmitted by him to his descendants.

SECTION X. POWERS DENIED TO THE STATES.

III. Treaties, Compacts, etc.—No State shall enter into any treaty, alliance, or confederation, nor, without the consent of Congress, enter into any agreement or compact with another State or with a foreign power.

These are sovereign powers belonging only to the Nation. If given to the separate States, the certain result would be confusion and discord. The very preservation of the Union might be impossible if a State could make an alliance or treaty with a foreign government.

A treaty, in its true sense, is an agreement between nations. An alliance is a union or joining of interests for a particular purpose, such as the prosecution of a war against a common enemy. A confederation is a league for mutual aid and protection. The use of all these different terms in this connection shows, it is said, "that it was the intention of the framers of the Constitution to use the broadest and most comprehensive terms, and that they anxiously desired to cut off all connection or communication between a State and a foreign power."

But the States may make agreements with each other, provided that Congress will consent thereto, and they have frequently done so from very early days. Each of the States concerned passes a law on the subject, and then Congress passes a law giving its consent. In this way they may cede territory to each other and change their boundaries. A recent example of an interstate contract is the agreement between New Jersey and New York for the construction of a tunnel under the Hudson River between Jersey City and New York, to which Congress gave its consent by an act in 1919. Another example is the Act of Congress of April 8, 1918 "to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River." In consenting to any contract between States, Con-

gress may make such reservations as are necessary to secure the jurisdiction and rights of the national government.

112. Fiscal Powers of States.—No State shall coin money, or emit bills of credit, or make anything but gold and silver coin a legal tender in payment of debts.

These restrictive provisions are necessary in order to prevent the evils of an irredeemable paper currency, and to secure to the people the well known advantages of a currency of equal value everywhere in the country.

Bills of credit, often called paper money, are written or printed promises to pay money, issued by a government on its credit and designed to circulate as money. United States notes are paper money and really bills of credit, but as everyone knows that the United States can and will keep its promise to redeem them, they circulate freely as money at their full value, which does not fluctuate.

A legal tender is anything that the law declares shall be accepted in payment of debts, when tendered. Nothing that is subject to frequent changes in value should be made a legal tender. Gold and silver are regarded as less liable to such changes than other substances. Before the adoption of the Constitution some of the States declared their "paper money," which they could not pay in coin as promised, a legal tender. Thus great loss was caused to creditors, who were obliged to accept in payment of debts that which had little or no value in place of gold or silver. It was the memory of that experience, so disastrous to commerce and morals, which led to the adoption of this provision.

113. Obligation of Contracts.—No State shall pass any law impairing the obligation of contracts.

This provision rests on much the same principle as the prohibition against *ex post facto* laws. If men could be released from their agreements and obligations by law, no one could

rest secure in the possession of property, and no confidence, such as is necessary in business transactions, could exist. This clause was intended to prevent a recurrence of the evil which arose from State interference with contracts under the Confederation. It also prevents the States from passing bankruptcy laws. A bankruptcy law is one under which an honest but broken debtor may obtain a release from all his past debts on surrendering all his property for division among his creditors. Such laws are wholesome and desirable. But if the several States could pass them, they might be very different from each other in their provisions and effects, resulting in utter confusion. So the power to make laws on the subject of bankruptcy is given to Congress, and they must be "uniform throughout the United States," and, probably for this reason, the Constitution does not forbid Congress to pass laws "impairing the obligation of contracts."

114. Duties on Imports and Exports.—No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, and all such laws shall be subject to the revision and control of Congress.

If the states could tax imports and exports, they could not only discriminate against each other's products, but they could prevent the national government from exercising that complete control over foreign and interstate commerce which it was intended to have.

But each state may, for its own protection, levy such small duties as are absolutely necessary for executing its own inspection laws. Inspection laws are such as authorize and direct the examination of various kinds of merchandise intended for sale or for exportation, especially food, with a view to ascertaining its fitness for use, and excluding unwholesome or unmarketable products from sale or export.

115. War Power.—No State shall engage in war, unless actually invaded or in such imminent danger as

will not admit of delay. The States have only the right of self-defense. All other powers of war are reserved to the general government.

No State may, unless with the consent of Congress, keep troops or ships of war in time of peace. But the "troops" here meant are such as constitute a professional or standing army. This clause does not apply to the militia or National Guard, which is fully provided for in other parts of the Constitution.

ARTICLE II.

THE EXECUTIVE DEPARTMENT.

SECTION I. PRESIDENT AND VICE-PRESIDENT.

116. Executive Power.—The executive power is vested in a President of the United States.

Efficient executive action requires the strength of will and energy of purpose of one able man. If the executive power were distributed among several persons, the dissensions that would arise would tend to cause a feeble execution of the laws.

117. Term.—The term of office of the President is four years.

This period being midway between the term of a Representative and that of a Senator was thought by the framers of the Constitution to be long enough to enable the President to carry fairly through a system of administration according to the laws, and to give the people an opportunity to form an estimate of the merits of whatever policy he might pursue; and so short that he would not lose that sense of responsibility

to the people so essential to the proper conduct of public affairs.

A President may be reëlected as many times as the people see fit thus to honor him. No President, however, has served more than two terms. Washington declined to serve a third term, thus setting an example for his successors. Though one President desired a third term, the great party which had twice elected him refused to grant him a third nomination, notwithstanding his eminent services to the country. It may now be regarded as the settled custom of the country to reëlect a President but once.

118. Salary.—The salary of the President is \$75,000 a year, being fixed by Act of Congress. But in order that he may not be constrained in the discharge of his duties by either the fear or favor of Congress, the Constitution provides that his compensation shall neither be increased nor diminished during the period for which he shall have been elected.

Hence when Congress decides to raise the salary of the President (as has been done at least twice) the increased compensation cannot apply to the President who is in office at the time, but must wait until the beginning of the next term.

In addition to his salary, the President has the use of the executive mansion (the "White House") and the executive offices adjoining. He is provided also with a secretary and with a numerous force of clerks and messengers, and there is annually appropriated a sum of \$30,000 for the contingent expenses of the executive office, to be expended as the President may direct.

119. Presidential Electors.—The President and Vice-President are elected by electors appointed by the

States, in such manner as the legislatures thereof may direct.

The electors are now chosen in all the States by vote of the people.

This provision has not operated as intended by the framers of the Constitution. They thought that the duty of selecting the first two officers of the government should be intrusted to a select body of wise and patriotic men, who should be entirely free to weigh the merits and qualifications of candidates and to make such choice as, in their judgment, would be best for the country. The practice of political parties has defeated this intention. Now each party nominates electors who are practically pledged to vote, if elected, for the candidates of their party. They have no freedom of choice. They simply register the will of the people.

120. Electoral College.—This term is applied to the whole body of electors in a State or in the United States. Each State is entitled to a number of electors equal to the whole number of Senators and Representatives to which the State is entitled in Congress. In the Presidential election of 1916, the electoral college numbered 531 electors.

121. Restrictions as to Electors.—Members of Congress and all persons holding any office of trust or profit under the United States, are prohibited from being appointed electors.

This was designed to keep the electors free from personal interest in the election. But as electors do not now use their own judgment in selecting the Presi-

dent and Vice-President, this provision has little practical value.

122. Electors, When Chosen.—The electors are now chosen on the Tuesday next after the first Monday of the last November of each Presidential term of office. This is in pursuance of the provision of the Constitution that "Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States."

123. Qualifications for President.—1. He must be a natural born citizen. A foreigner, if naturalized, can hold any office under the United States except those of President and Vice-President.

2. He must be not less than thirty-five years of age.

The requirement as to age is somewhat greater than in the case of a Senator on account of the greater dignity of the office. Besides, it is not probable that the people of the whole country would have become sufficiently familiar with the career and character of a man of less years to judge as to his fitness for the office.

3. He must have been fourteen years a resident within the United States.

That he may know the condition and needs of the country.

The President and Vice-President cannot be citizens of the same State. This results from the provision of the Constitution that the electors shall vote for President and Vice-President, "one of whom, at least, shall not be an inhabitant of the same State with them-

selves." If both were nominated from the same State, that State could not cast its vote in the election.

124. Vice-President.—The qualifications for the Vice-President are the same as those for President, since the former may be called upon to succeed the latter. The term of office is also the same. The salary of the Vice-President is \$12,000 a year.

125. Election of President and Vice-President.—The electors meet in their respective States, usually at the capital, on the second Monday in January following the election, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. The electors in each State make lists of all persons voted for as President and Vice-President and of the number of votes for each. These lists they sign, certify, and seal. Three sets of these lists are prepared, one of which is sent to the President of the Senate by mail, another to the same officer by special messenger, and the third is delivered to the judge of the United States District Court of the district in which the electors meet.

On the second Wednesday in February both Houses of Congress meet together, and in their presence the President of the Senate opens the certificates, and the votes are then counted by tellers appointed from each House.

If any candidate for President is found to have a majority of all the electoral votes he is declared elected.

If any candidate for Vice-President is found to have a majority of all the electoral votes he is declared elected.

If in either case no candidate has a majority, there is no election by the electors.

When the electors fail to elect a President the House of Representatives chooses the President.

The election of President in this case devolves upon the House of Representatives because that body more immediately represents the people.

When the electors fail to elect a Vice-President the Senate chooses the Vice-President.

126. Popular Vote.—A majority of the popular vote is not necessary to the election of President. A candidate may have a large majority of the electoral vote and yet be in a minority so far as the vote of the people is concerned.

127. Election of President by the House.—When the election of President devolves upon the House of Representatives, that body must select the President from the three highest on the list of those voted for as President.

In such case the vote must be taken by States, each State having one vote, to be cast as determined by a majority of the Representatives from that State. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice.

If the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon that body, before the fourth day of March next following, the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

In 1800, Thomas Jefferson was elected President by the House of Representatives, because he and Aaron Burr had each received 73 votes in the electoral college, and therefore neither of them had "the greatest number of votes." After this (1804) the Twelfth Amendment was adopted, to remedy this defect in the Constitution. But in 1824, there were no recognized political parties, and there were so many candidates that no one of them received a majority of the electoral votes, so that the election of President again fell upon the House, which chose John Quincy Adams. In this election, however, John C. Calhoun received a majority of the electoral votes for Vice-President and was declared duly elected to that office.

128. Election of Vice-President by the Senate.
—When the election of Vice-President devolves upon the Senate, that body must select the Vice-President from the two highest on the list of those voted for as Vice-President. A quorum for this purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

In the election of 1836 no candidate received a majority of the electoral votes for Vice-President, and the election devolved upon the Senate, which chose Richard M. Johnson.

129. Disputed Election of 1876.—An unforeseen difficulty in the election of President occurred in 1876-77. In four States, Oregon, South Carolina, Florida, and Louisiana, two sets of electors claimed to be the duly chosen electors. From each of these States were sent double returns. When the Senate and House met in convention to count the votes, the question arose as to which of these returns should be recognized as true and legal. Both parties claimed

these States and as the result of the election depended on their votes the excitement throughout the country was intense.

130. Decision of the Contest.—There being no Constitutional provision or law by which the question could be settled, both parties agreed to the submission of all points in dispute to a commission created by Congress and known as the Electoral Commission, composed of five Senators, five Representatives, and five Justices of the Supreme Court. This Commission decided by a vote of eight to seven in favor of the Republican electors, and Hayes was declared elected by a vote of 185 to 184 for Tilden, the Democratic candidate.

131. Electoral Count Bill.—An Act of Congress of 1887 provides that a tribunal appointed in and by each State, shall determine what electoral votes from the State are legal, and if the State has appointed no such tribunal, the two Houses of Congress shall determine which votes (in case of double returns) are legal. This is intended to prevent a recurrence of the difficulty of 1877.

132. Presidential Succession.—When a vacancy occurs in the office of President, the duties of that office shall devolve on the Vice-President. A Presidential Succession law was passed in 1886, providing that if, at any time, there be no President nor Vice-President, a member of the Cabinet shall act as President, the order of succession being as follows: the Secretaries of State, Treasury, and War, the Attorney-General, the Postmaster-General, the Secretaries of

the Navy and Interior, and, by later enactments, the Secretaries of Agriculture, Commerce, and Labor, in the order named.

This applies only to such cabinet officers as have the qualifications for President prescribed by the Constitution.

133. Inauguration.—The President is inaugurated on the fourth of March next following his election, when the oath of office is administered to him by the Chief Justice.

SECTION II. POWERS OF THE PRESIDENT.

134. Commander-in-Chief.—The President shall be Commander-in-chief of the army and navy.

Promptness and vigor as well as wisdom are needed in the conduct of military operations. This power is intrusted to the executive, where these qualities are more likely to be found than in any other department. There should be no divided responsibility in the exercise of the highest military power.

135. President's Cabinet.—The President may require the opinion in writing of the heads of the executive departments on subjects relating to their official duties.

The heads of the departments, collectively, are called the Cabinet. The President calls frequent meetings of the Cabinet for the purpose of consulting with them on public matters and obtaining their advice as to the management of the executive department. The salaries of the Cabinet officers are \$12,000 a year each.

136. The Executive Departments.—The im-

mense and varied business of the government is carried on through the ten great Executive Departments, each of which has been created by an Act of Congress, since the Constitution, though it authorizes their establishment, does not prescribe their number or character. The names of the departments, with the dates of their establishment and their heads are as follows:

Department of State (1789), Secretary of State.

Treasury Department (1789), Secretary of the Treasury.

War Department (1789), Secretary of War.

Navy Department (1798), Secretary of the Navy.

Department of the Interior (1849), Secretary of the Interior.

Post Office Department (1794), Postmaster General.

Department of Justice (1789), Attorney General.

Department of Agriculture (1862), Secretary of Agriculture.

Department of Commerce (1903), Secretary of Commerce.

Department of Labor (1913), Secretary of Labor.

In most of the departments the work of the department is divided up among a number of "bureaus" and "divisions." Each head of a department has under him a large number of officers and employees, among whom the Chief Clerk is an important officer, as he has general supervision of the subordinate clerks and of the business of the department. Each head of a department is authorized to make rules and regulations for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the keeping and use of its records and property. And these officers

have a large measure of authority and discretion in regard to such matters as the making of contracts relating to the business of their departments, and in regard to questions of detail arising in the performance of duties imposed upon them in general terms by the Acts of Congress.

The *Secretary of State* is regarded as first in rank among the members of the cabinet. He has charge of all matters relating to the foreign affairs of the United States and its intercourse with foreign nations. It is through his office that all treaties are negotiated. He has the custody of the great seal of the United States and affixes it to many important papers. He also keeps the originals of the Constitution and of all laws and treaties. He publishes the laws and other important official documents, countersigns and publishes the President's proclamations, and issues passports to Americans going abroad.

The *Secretary of the Treasury* is charged with the management of the national finances. He superintends the collection of the revenue, receives and disburses the public money, and prepares plans for the improvement of the revenue and the support of the public credit. He also controls the construction of public buildings and the coinage and printing of money. His department contains a number of bureaus charged with important duties. Among them are the bureaus of Customs, Internal Revenue, Engraving and Printing, War Risk Insurance, Federal Farm Loan Bureau, Supervising Architect of the Treasury, and the Comptroller of the Currency. The Treasury Department also has charge of the postal savings system, the United

States Coast Guard, the mints, and the public health service.

The *Secretary of War* performs such duties as the President may enjoin upon him concerning the military service. He has supervision of all purchases of army supplies, of all expenditures for the army and of the Military Academy at West Point, and of all matters relating to river and harbor improvements.

The *Secretary of the Navy* performs such duties as the President may assign to him concerning the naval service, and has general superintendence of the construction, manning, armament, equipment, and employment of the country's war ships.

The *Secretary of the Interior* is charged with the supervision of public business relating to the general land office (the use and disposition of the public lands of the United States), Indian affairs, the patent office, the bureau of education, the pension office, the Geological Survey, the bureau of mines, the reclamation service, and the national parks.

The *Postmaster General* was provided for by an Act of Congress as early as 1794, but did not then take rank with the heads of departments, and did not become a member of the cabinet until 1825. He and his assistants have general charge and control of the domestic and foreign mail service, including the post offices throughout the country and the collection, transportation, and distribution of the mails, and he makes postal arrangements with foreign governments.

The *Attorney General* is the chief law officer of the government. His office was created in 1789, and was

raised to the rank of an executive department (the Department of Justice) in 1870, at which time all law officers then attached to the other departments were placed under his supervision. He conducts suits in the Supreme Court in which the United States is a party, and gives advice on questions of law when it is required by the President or the heads of the other departments. He has direction and control over the United States district attorneys, and through them conducts investigations, brings and maintains suits where the interests of the government are concerned, and prosecutes all criminal offenses against the laws of the United States.

The *Secretary of Agriculture* is charged with the supervision of all public business relating to the development and improvement of the country's greatest industry, that of agriculture or farming, such as the procuring and distributing of information on agricultural subjects, and the testing and distributing of new and valuable plants and seeds. Among the bureaus in his department are those of agricultural chemistry, of soils, of entomology, of the biological survey, of crop estimates, of public roads, of markets, of animal industry, of plant industry, and the federal horticultural board. He also has charge of the weather bureau, and of the national forest service. (There are about 150 well-timbered regions on the public lands of the United States which have been set apart under the name of "national forests.")

The *Secretary of Commerce* is concerned with matters affecting the business, industrial, and economic in-

terests of the country. He has charge of the census, of the lighthouse service, of the steamboat inspection service, and the Coast and Geodetic Survey. Other important bureaus in his department are those of foreign and domestic commerce, of navigation, of standards, and of fisheries. This department was created in 1903 as the Department of Commerce and Labor, but a separate Department of Labor was established in 1913.

The *Secretary of Labor* has charge of all governmental matters relating to the interests of the working people of the country. The purpose of his department, as stated in the law creating it, is "to foster, promote and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment." In addition to this, he has general charge of the enforcement of the laws relating to immigration and to the naturalization of foreigners.

137. Reprieves and Pardons.—The President shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

This power relates only to cases of convictions in the United States Courts.

A reprieve is a suspension for a time of the execution of a sentence.

A pardon is a release from punishment for a crime.

138. Treaties.—The President shall have power by and with the advice and consent of the Senate to

make treaties with foreign nations, provided two-thirds of the Senators present concur.

Although a treaty, when concluded, becomes the law of the land, the power of making treaties is not properly a legislative power, but belongs to the political department of the government, that is, the executive. For this reason it is confided to the President. But in the hands of one man this great power might be perverted, through his unwisdom or disloyalty, with destructive consequences to the country. So a check is placed upon it by requiring the ratification of the Senate. But the power of initiating a treaty belongs to the President. He alone has the right to determine whether any treaty shall be made with any given foreign power. The Senate might advise him to make such a treaty, but he would not be bound to heed its recommendations.

It is customary for the President, acting personally or more usually through the State Department, to *negotiate* a treaty with a foreign power until all its details are completed. He rarely asks the advice of the Senate in advance. Almost always he submits the treaty to the Senate only when it is all finished and signed or ready to be signed. Then the Senate considers it, first by its Committee on Foreign Relations and then as a whole. It may reject the treaty outright or accept it as it stands. But it is not accepted (or ratified) unless two-thirds of the Senators present in the Senate when the vote is taken shall vote in favor of it. The Senate can also propose amendments to the treaty or reservations or additions to it or omissions. But the President is not bound to agree to such changes unless he is willing. There have been cases where the Senate made such changes in a proposed treaty that the President withdrew it and let it lapse, foreseeing that the foreign power would not accept it as amended.

139. Appointments.—The President shall nominate and, by and with the advice and consent of the Senate, appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all

other officers of the United States whose appointments are not otherwise provided for.

In the matter of appointments the Senate is a check to the President. Knowing that his nominations will be examined closely by the Senate he will naturally make careful selections.

A public (foreign) minister is an agent commissioned to reside at the capital of a foreign nation as the representative of his government in its intercourse with the government of such foreign nation.

The foreign ministers of the United States are of three grades: ambassadors, ministers plenipotentiary (with full powers), and ministers resident. The name ambassador was first applied to United States ministers in 1893, when by Act of Congress the President was authorized to direct that our representatives to foreign governments should bear the same designation as the representatives of such governments in the United States. Our government sends (or has sent) ambassadors to the following countries: Austria, Argentina, Belgium, Brazil, Chile, France, Germany, Great Britain, Italy, Japan, Mexico, Peru, Russia, Spain, and Turkey. In some other countries, our government is represented by ministers plenipotentiary, and in others (now only Liberia) by a minister resident. The salary of an ambassador is \$17,500 a year, that of a minister plenipotentiary, from \$10,000 to \$12,000, that of a minister resident, \$5,000.

Consuls-general are diplomatic officers charged with the supervision of all the consuls of their government in the countries to which they are sent. Consuls are commercial agents of the government, who reside generally at the seaports of foreign nations to take care of the commercial interests of their country and its citizens.

In considering treaties and the fitness of nominations the Senate meets in "executive session," when the proceedings are conducted in secret. Such sessions are termed executive because they relate to executive rather than legislative business.

The President does not appoint *all* the officers and employees of the government. The Constitution says that Congress may

invest the appointment of inferior officers in the President alone (that is, without requiring the consent of the Senate) or in the courts of law or in the heads of departments, that is, the cabinet ministers. Great numbers of inferior officers are appointed in this way. Notice that only two officers of the executive branch of the United States government are elected by the people, namely, the President and Vice President; all the rest are appointed. This is thought to promote efficiency in government, since it fixes responsibility. On the other hand, in the governments of the States, cities, and countries, most of the important officers are voted for and elected.

The Civil Service Commission, created by an Act of Congress in 1883, was intended to provide a body of civil officers selected solely for competence and fitness and not for political reasons, and to protect them from removal or discharge for merely political causes. The Commission holds competitive examinations and certifies lists of persons shown thereby to be eligible, from among whom the appointments are to be made. The "classified civil service," as it is called, now includes practically all the clerks and subordinate officers of the government, but not of course the army and navy, and not those higher officers whose close relation to the administration requires them to be in political sympathy with it.

140. President's Message.—The Constitution directs that the President "shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." The President's message is the document in which he thus gives to Congress a view of the foreign relations and domestic situation of the country and a general account of the operations of the government, and recommends to them the enactment of such laws as he thinks are necessary and desirable.

The President annually, at the beginning of each

session, either goes to the Capitol and reads his message to Congress assembled in joint session, or else sends it by a messenger from the White House. He also sends (or reads) special messages when he judges it necessary.

141. Extra Sessions.—The President may call extra sessions of Congress on extraordinary occasions, that is, when in his judgment the public interests so require.

142. Adjournment.—When the two Houses of Congress cannot agree as to the time of adjournment, the President may adjourn them to such time as he shall think proper.

143. To Receive Ambassadors and Other Public Ministers.—A foreign minister on his arrival at Washington presents himself, with his credentials, at the executive mansion, where he is formally received by the President. Until this ceremony has taken place he can do no formal official act.

In case of revolution or other radical change of government in a foreign country, or where rival governments exist there, no ambassador or minister from that country will be "received" (accepted and recognized) by the President until he is satisfied that the government which sends him is the lawfully established government of that country. When so satisfied, he "recognizes" that government as the lawful government and receives its diplomatic representative. Hence this power given to the President by the Constitution may involve the determination, by him alone, of very grave and delicate questions in the foreign relations of the country. Its exercise requires great caution, discretion, and judgment.

144. Execution of the Laws.—The great duty of the President is to "take care that the laws be faith-

fully executed." The "laws" include the Constitution, acts of Congress, and the obligations of treaties.

The legislative branch of government having made laws, it is the duty of the executive branch to enforce them and carry them into effect. The powers granted to the President enable him to discharge this duty. He appoints and commissions all the more important officers of the United States, and is commander in chief of the army and navy. He is also assisted by the heads of the ten executive departments, who are the members of his cabinet. "These," it is said, "aid him in the performance of the great duties of his office, and represent him in a thousand acts to which it can hardly be supposed his personal attention is called." And for enforcing the civil and criminal laws, he has at his command the vast machinery of the Department of Justice, with its district attorneys and marshals and other officers throughout the country.

SECTION III. REMOVAL FROM OFFICE.

145. Removal.—The President and all civil officers may be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

Bribery, as used here, is the act of a public officer in taking a reward for using his official position to the advantage of some one.

What constitute high crimes and misdemeanors is left to the Senate, when sitting as a court of impeachment, to decide, which would probably be done by referring to the common law.

ARTICLE III.

THE JUDICIAL DEPARTMENT.

SECTION I. UNITED STATES COURTS.

146. Judicial Power.—The judicial power of the United States is vested in one Supreme Court and in

such inferior courts as Congress may from time to time ordain and establish.

147. Duty of the Judiciary.—The duty of the judicial department is to interpret or explain the laws and apply them to particular cases or controversies coming before them, and also to decide whether they are such as the legislative authority could rightly make, having regard to the provisions and limitations of the Constitution.

This power of decision is exercised when, in cases that come before the court for decision, one of the parties denies the constitutionality of a law. If the judges, on examining the law and comparing it with the Constitution, find its enactment to have been within the legislative authority, it remains in force and must be obeyed; but if not, they declare it is not a law, and it becomes void and of no effect. This power of the judiciary is another check to hasty legislation, and is the special means of protecting the rights and liberties of the citizens against all tyranny or abuse of power. The historian Fiske has said: "In this supreme exercise of jurisdiction our highest federal tribunal is unlike any other known to history. The Supreme Court is the most original of all American institutions. It is peculiarly American, and for its exalted character and priceless services it is an institution of which Americans may well be proud."

148. Supreme Court.—The Supreme Court is composed of one Chief Justice and eight Associate Justices. The salary of the Chief Justice is \$15,000 a year, and that of each of the Associate Justices \$14,500 a year. The court holds one regular session each year at the capital, beginning the second Monday in October.

As the Supreme Court is created by the Constitution itself, it is to a large extent independent of Congress. That body

could not abolish it, nor create a court of higher jurisdiction or powers, nor deprive the Supreme Court of any part of the jurisdiction which the Constitution gives to it. But Congress may and does fix the number of justices who shall compose it.

149. Inferior Courts.—The judicial system of the United States, inferior to the Supreme Court, created by various Acts of Congress, is as follows:

Circuit Courts of Appeals. These courts were created in 1891 for the relief of the Supreme Court, which was overburdened with work. In each of the nine circuits into which the country is divided, the Supreme Court justice attached to that circuit and the Circuit Judge constitute a Circuit Court of Appeals, which can review on appeal the final decisions of the District Courts, except in certain cases which must be directly reviewed by the Supreme Court. There are thirty-three Circuit judges, and the salary of each is \$8,500 a year.

The District Courts. In the federal system these are the courts of general original jurisdiction, that is, courts in which suits and prosecutions are begun and tried, as distinguished from courts which review cases on appeal. The jurisdiction of the District Courts extends to practically every kind of suit or criminal case which can be brought under the Constitution and laws of the United States, besides admiralty and maritime cases and proceedings in bankruptcy. At present the country is divided into about eighty districts, each having a court and a District judge, and some of them have more than one judge, as in the case of the southern district of New York, which includes the City of New York and has four District judges. There are now ninety-seven United States District judges, exclusive of those in the Territories, each of whom receives a salary of \$7,500 a year.

District Courts in the Territories. In the Territory of Hawaii there is a District Court with two judges, and the same in Alaska, and in Porto Rico there is a District Court with one judge. Each of these judges receives an annual salary of \$7,500.

The Court of Claims. This court, consisting of a Chief Justice at a yearly salary of \$8,000, and four Associate Judges at

\$7,500 each, was created to hear and determine claims against the United States government which could not be otherwise adjusted without much delay and injustice. The government could not be sued by a private claimant without its own consent, which it has given in the law creating this court and in other acts. Congress appropriates the money to pay all the judgments rendered against the United States in this court.

Court of Customs Appeals. This court was created in 1909. It consists of one Presiding Judge and four Associate Judges at an annual salary of \$8,500 each. It hears and decides questions as to the classification of dutiable goods under the tariff law and the rates imposed upon them. Cases are appealed from the Collector of Customs to the Board of Appraisers, and then to the Court of Customs Appeals. Formerly cases had to pass from the Board of Appraisers through several intermediate appellate tribunals to the Supreme Court.

United States Court for China. Created by Act of Congress June 30, 1906. It is located at Shanghai, and has jurisdiction of criminal charges against American citizens and of civil cases in which they are parties. It has one judge, appointed by the President for a term of ten years (unless sooner removed by the President) at a yearly salary of \$8,000.

Consular Courts are sometimes held by United States Consuls in certain foreign countries to decide cases which arise in commercial transactions between American citizens and foreigners.

Supreme Court of the District of Columbia. This consists of a Chief Justice and five Associate Justices, each receiving an annual salary of \$7,500. It is the court of general original jurisdiction (see the explanation of this phrase in what is said above about the United States District Courts), and besides this it has the jurisdiction of a District Court in matters arising under federal law.

Court of Appeals of the District of Columbia. This court, created in 1893, consists of one Chief Justice and two Associate Justices, appointed by the President and holding office during good behavior, at an annual salary of \$8,500 each. It has appellate jurisdiction over the Supreme Court of the District of Columbia, and also such jurisdiction, in federal matters, as belongs to the United States Circuit Courts of Appeals.

Courts abolished. From 1789 to 1912 there was a *Circuit*

Court in each of the nine circuits, which divided original jurisdiction with the District Courts and in some cases had appellate jurisdiction over them. But after the creation of the Circuit Courts of Appeals it seemed unnecessary to continue the existence of the Circuit Courts, and in the reorganization of the federal judiciary effected by the Federal Judicial Code, taking effect January 1, 1912, they were abolished. The *Commerce Court* was created by Congress in 1910, and was composed of five judges designated by the Chief Justice from among the Circuit judges of the United States. The duties of this court were connected with the regulation of commerce and the rulings of the Interstate Commerce Commission. It was abolished December 31, 1913. The *Court of Private Land Claims* was established in 1891 to settle such claims of persons and corporations to lands within the territory acquired from Mexico as the United States was bound to recognize by virtue of the treaties of cession. It ceased to exist on June 30, 1903.

150. Term of Office and Salaries.—United States judges hold their office during good behavior, and their salaries cannot be diminished during their continuance in office.

The judges, both of the Supreme Court and the inferior courts, hold their office during good behavior, that is, they cannot be removed from office except by impeachment for misconduct. They have thus practically a tenure for life, and it is in order that they may be independent in their decisions. If they could be removed at the pleasure of the appointing power, or if they held their places by vote of the people for a limited period, they might be inclined to shape their decisions so as to prevent removal or secure re-election, without due regard to the claims of justice. But a justice of the Supreme Court who has reached the age of seventy years and who has served for ten years, may voluntarily resign and receive the full salary during the remainder of his life.

The salaries of United States judges cannot be diminished while they are in office, and this is because, in interpreting the laws, they might, by their decisions, incur the enmity of Congress, and if Congress had the power to reduce their salaries,

it might take that way of punishing them. Every department of the government should be, as far as possible, independent of the others.

SECTION II. JURISDICTION, AND TRIAL OF CRIMES.

151. **Jurisdiction.**—The judicial power of the United States extends to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority, to cases affecting foreign ambassadors, ministers, and consuls, to all cases of admiralty and maritime jurisdiction, to controversies to which the United States is a party, to controversies between two or more States, or between citizens of different states, or between a State or citizens thereof and foreign states, citizens, or subjects.

“Jurisdiction” means the extent of the authority of a government or a court. A court in which a suit may originate or a trial commence is said to have *original* jurisdiction. A court which has the power to review the decision of a lower court in cases appealed therefrom has *appellate* jurisdiction.

Admiralty and maritime jurisdiction includes cases arising on the sea or other navigable waters, or connected with ships and seamen; as, collisions, suits to recover the wages of seamen, and contracts for carrying freight. The word admiralty is derived from admiral, an officer of high rank in the navy. Admiralty courts in England had jurisdiction in cases connected with war ships, and maritime courts in cases relating to merchant ships.

Aside from admiralty and maritime cases, there are two great sources of jurisdiction of the United States courts. First, cases arising under the Constitution (that is, involving some right or benefit claimed under the Constitution or asserting that some law or statute is contrary to the Constitution and therefore invalid) or under the laws of the United States, such as the internal revenue or tax laws, the postal laws, the patent

and copyright laws, the laws regulating interstate commerce and forbidding monopolies, the bankruptcy laws, the immigration laws, and the criminal laws. Second, controversies between citizens of different States. Here, although the law which is to be applied or which is to decide the case may not be a United States law, yet if the case is between two or more persons who are citizens of different States, and if the amount involved is more than \$3,000, the federal courts will hear and decide the case.

152. Criminal Trials.—1. The trial of all crimes except in cases of impeachment shall be by jury.

A trial by jury is a trial before twelve impartial men, who shall hear the evidence and must decide unanimously as to the guilt or innocence of the accused before he can be punished or set free. This right is one of the great bulwarks of liberty.

2. Such trials shall be held in the State where said crimes are committed.

This is designed as a benefit to an accused person by not subjecting him to the certain expense, and possible danger to his interests, that would attend a trial in a place distant from his home and friends.

The trial of crimes not committed in any State shall be held where Congress may by law direct.

By "crimes not committed in any State," are meant those committed in the District of Columbia, the Territories, the forts and government buildings, and on the high seas. Congress has passed laws providing for all of these.

The "high seas" are the waters of the ocean beyond low-water mark. Crimes committed on shipboard in these waters are tried in the State where the vessel first arrives.

SECTION III. TREASON AND ITS PUNISHMENT.

153. Treason Defined.—Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

Levying war is the assembling of armed men for the purpose of carrying on war.

A knowledge and concealment of treason without assenting to it is termed *misprision* of treason, and is punishable by imprisonment not exceeding seven years and a fine not exceeding one thousand dollars.

154. Conviction.—The testimony of two witnesses to the same overt act, or confession in open court is necessary to a conviction of treason.

Treason is regarded as the highest crime against society, since its object is to destroy the government. Traitors therefore deserve severe punishment. It is well that a crime so odious is so clearly defined, and that the clearest proof of its commission is necessary to a conviction.

“An overt act” means a step, motion, or action really taken in the execution of a treasonable purpose, as distinguished from mere words, and also from a treasonable sentiment, design, or purpose not resulting in action.

155. Punishment.—Congress has power to declare the punishment for treason, and has prescribed death as the extreme penalty for that offence, but a less punishment may be inflicted. At the discretion of the court, the traitor may be imprisoned for not less than five years, and fined not less than ten thousand dollars.

ARTICLE IV

RELATIONS OF THE STATES.

SECTION I. STATE RECORDS.

156. Public Acts, etc.—Each State must give full faith and credit to the public acts, records, and judicial proceedings of every other State.

The chief value of this provision is to prevent endless lawsuits. When a case has been decided in one State it cannot be reopened by either party in the courts of another State.

Public acts are the Constitution and laws of a State. State records are the registered deeds of property, journals of legislatures, etc. Judicial proceedings are the records of courts.

SECTION II. PRIVILEGES OF CITIZENSHIP.

157. State Recognition.—The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

The several States of the Union are not *foreign* to each other, and citizens of one State are not to be treated as foreigners when they go into another. This provision of the Constitution was meant to prevent the States from making invidious discriminations against nonresidents, and to promote the unification of the American people, by breaking down State lines, in respect to the enjoyment of social and business privileges and the favor and protection of the laws. The "privileges and immunities" here spoken of include protection by the government; the enjoyment of life and liberty and the right to acquire, possess, and dispose of property; the right of a citizen of one State to pass freely into, through, and out of another State, with his property; to transact business in any other State free from any restrictions or burdens which are not imposed on its own citizens; to practice his lawful trade or

profession therein; to claim the benefit and protection of its law as a safeguard against injustice; and to have free access to its courts for the enforcement of his own just claims and demands. But this clause of the Constitution does not confer upon the citizens of each State the right of voting, of being elected, or of holding office in the other States, because these are *political* privileges which each State may justly reserve for its own citizens.

158. Fugitive Criminals.—A person charged with crime fleeing from one State into another shall be delivered up on demand of the executive authority of the State from which he fled.

Such demand made by the Governor of one State on that of another is called a requisition.

SECTION III. NEW STATES AND TERRITORIES.

159. Admission.—New States may be admitted into the Union by Act of Congress.

On coming into the Union, new States are received on terms of equality with all other States.

The steps by which a Territory may become a State are:

1. A petition to Congress expressing the desire of the people for admission.
2. An enabling act passed by Congress stating the conditions of admission.
3. The adoption of a Constitution and a form of State government by a convention of delegates chosen by the people.
4. The ratification of the Constitution and the election of State officers by the people.
5. A proclamation by the President announcing that the Territory has become a State.

In the enabling act Congress may impose such conditions or limitations as it may think necessary. For instance, in the case of the admission of New Mexico as a State, it was provided that the constitution to be adopted should be republican in form

and not repugnant to the Constitution of the United States or the principles of the Declaration of Independence, that it must provide for religious freedom, forbid polygamy and the sale of liquor to Indians, renounce all claim to the public lands within the boundaries of the Territory, recognize the validity of the existing territorial debt, and provide for a system of public schools. Congress may also require (as it did in this case) that the new constitution, after being ratified by the people, shall be submitted to the President and Congress for their approval, and if they do not approve it entirely, amendments may be ordered to be submitted to the people and accepted by them before proclamation of the admission of the new State shall be made.

160. Secession.—Though the Constitution makes all necessary provision for the admission of States it contains no provision for secession. A State cannot secede from the Union constitutionally. “The Constitution creates an indissoluble Union of indestructible States.”—*Bancroft*.

161. Formation.—No State shall be formed within the jurisdiction of any other State, nor shall any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

Maine, formerly a part of Massachusetts, was permitted to become a State in 1820 by the joint action of Congress and the legislature of the latter State. Vermont, Kentucky, and West Virginia were also parts of other States before their admission. Texas, having revolted from Mexico, was an independent republic for some time before its admission by *annexation*. The other States which have come into the Union since the

ratification of the Constitution were formed from territory belonging to the United States, outside of the boundaries of the States. No State has been formed by the junction of States or parts of States.

162. Territories.—The Territories are under the control of Congress, which has the power to make all needful regulations for their government. They have an elective governor and legislature and their own system of courts.

No Territories now remain within the boundaries of the United States proper, or the continental United States. Territorial governments exist in Alaska and Hawaii, and a form of government similar to that of the Territories (except that the governor or chief officer is appointed by the President) has been established for the outlying possessions of the United States, which are Porto Rico, the Philippine Islands, and the island of Guam (ceded by Spain), the Virgin Islands (acquired by purchase from Denmark), and the Panama Canal Zone.

SECTION IV. GUARANTEES TO THE STATES.

163. Form of Government.—The United States guarantees to the States a republican form of government.

A republican form of government is one in which the powers of sovereignty are vested in the people, and are exercised by them through representatives chosen by them, to whom those powers are specially delegated. "The distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, and pass their own laws in virtue of the legislative power reposed in representative bodies, whose legitimate acts may be said to be those of the people themselves." This clause in the Constitution implies both a power in the federal authorities to preserve republican governments in the several States, and a limitation upon the power

of the people of each State in forming or amending their State constitutions. It not only contains a promise to each State that it shall continue to enjoy a republican form of government as long as the Union endures, but also imports a command to each State to maintain and preserve that form of government, under penalty of the intervention of the federal Union for the benefit of all its members.

164. Protection.—The United States guarantees to the States protection against invasion. This power of protection is intrusted to the executive. The President, as commander-in-chief of the military and naval forces, may at any time call into service a force sufficient for the protection of any State or all the States.

The United States also undertakes to protect the States against domestic violence, that is, insurrection, riots, or the violence of mobs. But in this case the government does not interfere except on the application or request of the legislature of the State, or of the Governor, if the legislature is not in session or cannot be convened. In other words, the military forces of the United States are always available to protect any State against invasion by a foreign enemy, but will not be sent into a State to put down domestic violence unless called for by the State authorities.

ARTICLE V.

MODE OF AMENDMENT.

165. Constitution, How Amended.—Amendments may be proposed by two-thirds of both Houses of Congress or by a convention called by Congress on application of the legislatures of two-thirds of the

States. Such amendments must be ratified by the legislatures of three-fourths of the States, or by conventions in three-fourths of the States.

It will be observed that there are two modes of proposing and two of ratifying amendments to the Constitution. The amendments that have been adopted were proposed by Congress and ratified by the State legislatures.

When an amendment has been ratified by the requisite number of States a proclamation of the Secretary of State announces that it has become a part of the Constitution.

ARTICLE VI.

SUPREMACY OF THE CONSTITUTION.

166. Obligations of the Government.—The Constitution declares the debts contracted and the engagements entered into before the adoption of the Constitution valid.

The object of this provision was to allay the fear of public creditors by proclaiming to the world that the United States under the new government considered itself in honor bound to pay all its debts and to keep all its engagements.

167. Supreme Law.—The Constitution and the laws of the United States made in pursuance thereof and all treaties made under the authority of the United States are the supreme law of the land.

This applies to all the States and to their constitutions and laws. No State law can be valid which is contrary to the Constitution of the United States or to any Act of Congress or any treaty, or which encroaches upon the powers granted to the

national government. To make sure of this, the Constitution further provides that the judges in every State shall be bound by the Constitution and laws of the Union, notwithstanding anything contrary thereto which may be found in the constitution or laws of the State.

168. Oath.—The following named officers are required to take an oath or affirmation to support the Constitution:

1. Members of Congress.
2. Members of State Legislatures.
3. Executive and judicial officers of the United States.
4. Executive and judicial officers of the several States.

This oath or affirmation must be taken by each of these officers before he enters on the discharge of his duties.

169. Religious Test.—The Constitution in no way interferes with any man's religious faith or worship. It forbids the requirement of any religious test as a qualification for office under the United States. Equality under the law and absolute civil and religious freedom are the birthright of every American.

Religious test means the taking of a *test* oath to favor certain religious opinions as a qualification for office.

ARTICLE VII.

RATIFICATION OF THE CONSTITUTION.

170. Establishment.—The ratification of nine States was sufficient for the establishment of the Constitution. This ratification established for the United

States "a government of the people, by the people, and for the people."

X AMENDMENTS TO THE CONSTITUTION.

171. Amendment Defined.—An amendment is an alteration or change adopted as a remedy for some supposed defect in the Constitution, or to make some addition to it, or change in it, which a sufficient majority consider desirable.

Eighteen amendments have so far been adopted. The first ten were proposed almost immediately after the formation of the government (in 1789) and ratified within two years. They were adopted because of the prevailing feeling that the Constitution did not sufficiently guard the rights of the people.

172. Bill of Rights.—The first ten amendments are regarded as a bill of rights, that is, a formal declaration of certain rights claimed by the people as essential to the protection of their lives, liberty, and property.

A bill of rights is an enumeration, in brief and plain words, of those liberties and immunities of the citizens which the framers of the constitution believe to be fundamental, unquestionable, and necessary to the perpetuation of a free government. It is not a grant to the citizens of that which they did not possess before, but it is their own statement of the rights which they already enjoy and which they mean to secure and to hand down to their posterity. In a democracy, a bill of rights has a special place and importance. In a monarchy, constitutional guaranties may be needed to curb the power of the ruler, and under any form of government it may be thought wise to restrict the powers of the legislature. But where the whole sovereignty is vested in the people, there are certain funda-

mental things which must be made fast and sure, so that, in respect to them, the minority may always be protected against the otherwise uncontrolled power of the majority. In some of the State constitutions it is declared that "absolute, arbitrary power over the lives, liberty, and property of freemen exists nowhere in a republic, not even in the largest majority." In one of the State constitutions, after an enumeration of the inalienable rights of the people, it is declared that, "to guard against transgressions of the high powers which we have delegated, we declare that everything in this article (the bill of rights) is excepted out of the general powers of government and shall forever remain inviolate."

FIRST AMENDMENT.

173. Freedom of Religion.—The founders of our government thought that Church and State should be kept separate. This amendment forbids Congress to establish a religion or to prohibit the free exercise thereof. One of the dearest rights of man is the right of private judgment in matters of religion, and freedom of worship according to the dictates of his own conscience. In this country a man may hold and practice any religion he prefers without having his rights as a citizen thereby impaired. A safe rule for our guidance is that left us by Washington: "All those who conduct themselves as worthy members of the community are equally entitled to the protection of the civil government."

174. Freedom of Speech and of the Press.—The Constitution allows every man to speak, and write, or print whatever he pleases, provided by so doing he does not unjustly injure others. In such case the injured has a remedy in the laws against slander and

libel, that is, malicious and untrue statements concerning one's life and character.

This constitutional guaranty also secures to the citizen the right freely to criticise the nature, operations, institutions, plans or measures of the government, or the conduct of public officers as such, provided only that such criticisms are not made with a purpose of overthrowing the government or stirring up treason or revolution. Every government has the inherent right to protect itself against destruction and its people against violence. Hence publications or utterances relating to conspiracies forcibly to subvert all government in general or our own government in particular, or tending to incite people to treason or rebellion, or instigating revolution and murder, are not within the reason which protects the freedom of the press and of speech and cannot be justified by it.

175. Freedom of Assembly and Petition.—Despotic governments have often denied to the people the right of assembly, under the pretence of preventing insurrections. Republican government would be a failure if citizens had not the right of assembling for the discussion of questions of public interest. No people who are worthy of any of the privileges of freemen will ever surrender this inestimable right.

Americans may assemble for any purpose, but the assembling must be peaceable. There is no encouragement here for riotous meetings or mobs. They must be dispersed.

The right of petition is a necessary accompaniment to the rights of free speech and free assembly.

SECOND AMENDMENT.

176. Freedom to Keep and Bear Arms.—This right is fundamental. Without it the people would be powerless in the presence of any organized attempt to deprive them of their liberties by force. This provision does not prevent the enactment of laws forbidding the carrying of concealed weapons.

THIRD AMENDMENT.

177. Freedom from Compulsory Quartering of Soldiers.—By “quartering” is meant feeding and lodging. Before the Revolution the British Parliament passed a law known as the “Quartering Act,” requiring the colonists to find quarters for soldiers.

FOURTH AMENDMENT.

178. Freedom from Unreasonable Searches and Seizures.—This amendment guarantees the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. It is intended as a protection against the government and all who act or claim to act under its authority. “Unreasonable” here means arbitrary, unlicensed, or not warranted by law. The citizen is thus protected against—

1. All unauthorized intrusion into his dwelling house by officers or agents of the government.

2. The searching of his house for particular articles supposed to be in it, or for the purpose of discovering a crime or the evidence of it, except when this is

done under the authority of a "search warrant," which is a written order from a judge or magistrate, based on evidence presented to him, authorizing an officer of the law to enter and search the premises, and which must particularly describe the place to be searched and the persons or things to be seized.

3. The search of his person or clothing, except when he is lawfully under arrest or charged with crime.

4. The compulsory production of his books or papers to be used as evidence against him.

5. The unlicensed examination of the contents of letters or sealed packages placed by him in the mails.

FIFTH AMENDMENT.

179. The Right not to be Tried for Crime unless on a Presentment or Indictment of a Grand Jury.—

An indictment is a written accusation of a grand jury, prepared by a prosecuting officer, stating the offence for which the accused is to be tried.

A presentment is a written accusation of a grand jury founded on their own personal knowledge of the facts.

A grand jury is a body of men, not less than twelve nor more than twenty-three, whose duty it is to inquire into charges against accused persons and, if justice demands, to find indictments. No indictment or presentment can be made, except by the agreement of at least twelve jurors.

This amendment does not apply to misdemeanors or petty offenses, but only to "a capital or otherwise infamous crime." A capital crime is one punishable by death; and an infamous crime is one punishable by imprisonment in a State prison or penitentiary. The amendment does not apply to "cases arising in the land or naval forces, or in the militia when in actual service." Military offenses are tried by military tribunals called "courts martial."

180. Not to be Twice Put in Jeopardy of Life or Limb for the Same Offense.—This means that after a person accused of crime has been tried and either convicted or acquitted of the offense charged, he shall not be put to trial or exposed to the danger of punishment for the same offense a second time.

“Jeopardy of life or limb” is an old legal phrase which originated probably at a time when certain offenses were punished by mutilation, that is, by depriving the offender of a limb. Men who had written libels were sometimes punished by the cutting off of the offending member, the right hand. But the present meaning of the phrase is exposure to loss or injury by any legal punishment.

181. Not to be Compelled to be a Witness Against Himself.—This applies only to criminal cases. It means that a man who is charged with crime cannot be compelled against his own will to answer any questions, or to furnish any evidence which may tell against him, or to testify as a witness. But he may of course make any statement, or testify on his trial, if he so desires. More than this, the protection of this guaranty is not confined to a criminal proceeding against the person himself; its object is to insure that no one shall be compelled, when acting as a witness in any investigation, to give testimony which might tend to show that he had committed a crime, or which might form a link in a chain of evidence against him.

182. Not to be Deprived of Life, Liberty or Property without Due Process of Law.—Liberty “means not only the right of the citizen to be free from

the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties, to be free to use them in all lawful ways, to live and to work where he will, to earn his livelihood by any lawful calling, to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion the purposes above mentioned."

In judicial proceedings, that is, lawsuits or trials in which a man's life, liberty, or property may be involved, "due process of law" means an orderly proceeding adapted to the nature of the case, held before a tribunal which has jurisdiction, and which proceeds upon notice to the person affected and gives him an opportunity to present his claim or defense, and which has power to grant the appropriate relief.

In a wider sense, due process of law has the meaning of reasonableness, of liberty limited only by general and necessary laws. It secures the individual against arbitrary interference on the part of the government or its officers. It means that a man's enjoyment and exercise of his rights, and his perfect freedom of action and conduct, and the use and disposition of his property, shall not be interfered with by law or by the government unless some paramount interest of the general public requires its abridgment for the protection of other people or for the sake of the general welfare, and then only to the extent that is reasonable and necessary.

183. Not to Have Private Property Taken for Public Use without Just Compensation.—The right of the government to take land or other private property for public use is called the right of “*eminent domain*.” It rests on the principle that the right of the individual should give way to the public necessity. Government frequently exercises this right. If the government and the owner cannot agree upon a price, a jury is summoned to “*assess the damages*,” that is, to determine what is a fair price for the property.

SIXTH AMENDMENT.

184. The Right of an Accused Person to a Speedy and Public Trial.—The trial should be speedy, since it would be unjust to keep any one imprisoned before trial a moment longer than necessary. He might be able to prove his innocence immediately. The trial should be public to insure fairness.

By a “*speedy*” trial is meant a trial conducted according to fixed rules, regulations, and proceedings of law, free from vexatious, capricious, and oppressive delays manufactured by the ministers of justice. The guaranty of a “*public*” trial is intended to secure to the accused the help and countenance of his friends and counsel and of those who could assist him in his defense.

185. To a Trial by a Jury of His State or District.—This is an additional guard against the hardship which would result from compelling a person to be tried in a place distant from his friends and witnesses, thereby causing him inconvenience and unnecessary expense. He is to be tried in the State, and if

the State be divided into judicial districts, in the district in which the crime was committed.

186. To Know of What He is Accused.—He has a right to see the indictment that he may intelligently prepare his defence.

187. To be Confronted with the Witnesses against Him.—This constitutional guaranty was intended as a safeguard against secret and inquisitorial methods of trial, and to secure to the accused person the privilege of sifting and trying the evidence adduced against him by cross-examination.

188. To Have the Attendance of Witnesses in His Favor Compelled.—He is entitled to bring forward all available proofs of his innocence.

The right of an accused person to bring witnesses in his defense and have them heard was of comparatively recent origin in the English law at the time when our Constitution was written. Before that time, the judges would allow witnesses to speak of facts which might excuse the prisoner or show that he was not guilty, but they were not put under oath, and so their statements were not regarded as evidence which the jury should take into account. It was not until the beginning of Queen Anne's reign that the same privilege in this respect was given to the prisoner as to the prosecution. But the recognition of this right was regarded as one of the most important reforms in criminal procedure, and the right itself was justly considered by the framers of our Constitution as one of the most valuable guaranties of liberty. The accused person is not forced to depend on the good will of those whom he wants as witnesses, for if they are not willing to come to the trial, the Constitution says that he shall have "compulsory process" to bring them, that is, the court will order them to come. And this right of an accused person includes the right to examine such witnesses under oath and to compel them to answer all proper questions.

189. To Have Counsel for His Defense.—Counsel is one who gives legal advice and manages a case in court; a lawyer. If the accused person is too poor to employ counsel, the judge will appoint a lawyer to defend him either freely or at the expense of the government.

Under the old English law, an accused person might have the benefit of the advice and assistance of counsel, but that counsel was not allowed to address the jury in the prisoner's behalf, which was grossly unfair and unjust. Under our constitutional provisions, the right to have the assistance of counsel includes the right of the prisoner freely to have interviews and consultations with his counsel in private, in order to take his advice and instruct him as to the defense to be made.

SEVENTH AMENDMENT.

190. The Right of Trial by Jury Where the Value in Controversy Exceeds Twenty Dollars.—This provision was adopted because of the objection that, while the Constitution had provided for the trial of crimes by jury, it made no provision for such trial in civil cases, which might therefore be held to be excluded from that privilege. It seems hardly fair to subject the government to the expense of a jury trial in suits to recover trifling sums, but so jealous are we of the rights of citizens that cases are frequently tried in our courts where the sum in controversy is less than the expense of the trial to the government.

The Seventh Amendment applies only to the courts of the United States, including those of the District of Columbia, and not to the States and their courts. But the constitutions of most of the States contain provisions for preserving the right of trial by jury. According to the language of the Amend-

ment, it is "in suits at common law" that this right is guaranteed. This means, on the one hand, civil suits as distinguished from criminal cases, and, on the other hand, such suits as are to be tried in the ordinary law courts, as distinguished from equity cases and admiralty cases.

Law may be divided into two kinds,—the unwritten or common law, and the written or statute law. The common law consists of customs and rules of action which derive their authority from long usage and because they have been recognized universally as having the force of law, though not found in any act or statute of a law-making body. The common law was brought from England by the colonists and established here as the basis of law in all the States except Louisiana. The Constitution of the United States and the constitutions of the several States contain many common law principles. The principles of the common law are found in the records of courts, in books in which the decisions of judges are recorded, and in the writings of men learned in the law which have come down to us from former times. In cases of doubt it is for the judges in the several courts of justice to decide what is the common law.

191. To Have Facts Finally Determined by a Jury Trial.—It is the duty of the judge to determine the law, and that of the jury to determine the facts in a case. This provision was inserted because it was feared that in cases in which an appeal had been taken from the decision of a lower court to the Supreme Court, the latter, under the power given by the Constitution, might overthrow the decisions of juries as to matters of fact, and so reduce trial by jury to a mere form.

EIGHTH AMENDMENT.

192. Not to be Required to Furnish Excessive Bail.—Bail is a sum required to be pledged as security

for the appearance of an accused person in court when summoned for trial. This term is also used to designate the person who gives the security. Excessive bail is a sum larger than is necessary to secure the appearance of the accused.

The privilege of being admitted to bail (being released from custody on furnishing bail) can always be claimed as a right where the crime charged against the prisoner is of a minor or less serious sort. But where it is a capital offense (punishable by death) bail may be refused in the discretion of the judge. Many of the State constitutions say that bail may be refused in such cases where the guilt of the prisoner is evident or the presumption against him is great.

193. Not to Have Excessive Fines Imposed.—Fines are sums of money exacted as punishment for offences against the laws. The laws regulate the amount of fines for offences so punishable. The amount of fine to be imposed, within the limits of the law, is left to the discretion of the judge.

194. Not to Suffer Cruel or Unusual Punishments.—This was intended to exclude all such barbarous punishments as torture, burning, branding, mutilation, the pillory, and the like, and also all punishments which are so disproportioned to the offense as to shock the moral sense. It does not apply to the ordinary methods of punishment, such as death by hanging or by electrocution, pecuniary fines, imprisonment, disfranchisement, or the forfeiture of civil rights. But even an ordinary form of punishment, if inflicted upon a person to an excessive extent, may become a "cruel" punishment and so forbidden.

NINTH AMENDMENT.

195. Retained Rights.—The enumeration in the Constitution of certain rights shall not be construed to deny or disparage other rights retained by the people.

It would be impossible to frame a constitution that would state exactly and completely all the rights of the people. The object of this amendment was to dispel the fears of some that because certain rights are asserted in the Constitution, other rights, not mentioned, might be regarded as having been surrendered to the general government.

TENTH AMENDMENT.

196. Reserved Powers.—This amendment guards the rights of the States and the people by limiting the powers of the general government to those granted by the Constitution. It was designed to allay fears which existed, that the National government might exercise powers that belonged either to the States or the people.

ELEVENTH AMENDMENT. 1798.

197. Judicial Power Limited.—This amendment limits the power of the judiciary by providing that no person shall bring a suit against a State in the United States Courts.

In 1792, the Supreme Court rendered a decision that a State of the Union was liable to be sued, like a private person, by a citizen of another State. This was regarded as a serious affront to the dignity and sovereignty of the States and created a shock of surprise throughout the country. Particularly the decision aroused anger in the State of Georgia, which had been

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the defendant in the action and against which a judgment had been given. Its Legislature adopted a resolution that the decision was unconstitutional and would not be obeyed, and that any person who should presume to seize property of the State to satisfy the judgment should be guilty of felony and should be hanged. The result was the speedy adoption of the Eleventh Amendment.

TWELFTH AMENDMENT. 1804.

198. Presidential Election.—The object of this amendment was to make such changes in the manner of electing the President and Vice-President as the election of 1800 showed to be necessary.

Article II., Section 1, Clause 3, provided that each elector should vote for two candidates for President. The candidate who received the greatest number of votes was to be President, if such number were a majority of all the electoral votes, and the one having next to the greatest number was to be Vice-President. In 1800 it happened that the votes were equally divided between Jefferson and Burr. The election therefore devolved upon the House of Representatives where for thirty-five ballots, occupying seven days, the vote stood Jefferson 8 States, Burr 6, divided 2. It was feared that on the fourth of March the country would be without a President, but on the thirty-sixth ballot the danger was averted by the election of Jefferson, he having received the votes of 10 States.

To prevent such a contest in the future this amendment was adopted which provides that the electors shall vote for but one candidate for President, and that if there be no choice before the fourth of March, the Vice-President shall act as President.

THIRTEENTH AMENDMENT. 1865.

FOURTEENTH AMENDMENT. 1868.

FIFTEENTH AMENDMENT. 1870.

199. Purpose.—The purpose of these amendments was to secure the results of the Civil War, by perma-

nently abolishing slavery and by extending the protection of the Constitution to the civil and political rights of the newly emancipated colored race, including the right of suffrage.

200. Slavery.—The abolition of slavery was effected by the thirteenth amendment. By the adoption of this amendment four million slaves became freemen.

201. Citizenship.—The fourteenth amendment (Section I.) defines citizenship and limits the power of the States with respect to the privileges of citizens.

Section II. establishes a new rule of apportionment of Representatives and states the conditions on which the basis of representation may be reduced in any State.

202. Due Process of Law.—This amendment also provides that no State may deprive any person of life, liberty, or property without due process of law.

Read what was said about the meaning of "liberty" and "due process of law" in section 182 of this book. And notice that the corresponding clause in the fifth amendment applies only to the United States government, while this provision in the fourteenth amendment applies to each of the States.

203. Equal Protection of the Laws.—This amendment also declares that no State shall deny to any person within its jurisdiction the equal protection of the laws. This is to prevent legislation for the benefit of a class at the expense of the rest of the community, or the imposition of burdens upon some which are not shared by all, or, generally, unjust or arbitrary discrimination in the laws.

This means that the law, when impartially applied, shall operate equally and uniformly upon all persons in similar circumstances, and confers like privileges on all who may comply with its terms or come within its provisions. No one may be made subject to any greater burdens and charges than are imposed on others in the same calling or condition or in like circumstances, and no burden can be imposed on one class of persons which is not, in like conditions, imposed on all other classes. And if a law applies to only one class of persons, and imposes upon them duties not common to others, there must exist in the relation of such persons to the state, to the public, or to individuals, some reasonable ground of distinction sufficient to show that the classification is not merely personal and arbitrary, or else there will be a denial of the equal protection of the law.

204. Exemption from Punishment for Treason.

—The object of Section III. was to relieve the inhabitants of the States which attempted to secede from the Union in 1860-61 from liability to the punishments for treason prescribed by law. Not one of them was ever tried on that charge. This section provided no other punishment for those who fought against the Union than disability to hold certain offices, and this provision was to apply only to those who previous to the rebellion had taken an oath as public officers to support the Constitution of the United States. It was further provided that Congress, by a vote of two-thirds of both Houses, might remove such disability. Now no citizen is under political disabilities because of the part he took in the Civil War.

' 205. Public Debt.—Section IV. declares that the public debt of the United States shall be paid, but it prohibits the payment by the United States or any State of debts contracted in aid of the rebellion and

the payment by either of any claim for the loss or emancipation of any slave.

The "public debt" here mentioned is expressly declared to include "debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion." Pensions are periodical payments by a government for disabilities, such as wounds, loss of limbs or health incurred in its service, or money paid for past services. No other government ever showed such liberality in the payment of pensions to its defenders as that of the United States. The amount expended for this purpose during the year ending July 1, 1894, was about \$140,000,000. On that date there were more than one million names on the pension roll. Our government has pensioned not only the disabled soldiers of the Civil War and all surviving soldiers of previous wars, but the widows of soldiers, and army nurses. Liberal provision has been made for soldiers and sailors wounded or otherwise injured in the Great War of 1914-1918, and for the surviving relatives of those who were killed, under a system of "compensations" (pensions under another name) and the system of War Risk Insurance.

206. Suffrage.—The fifteenth amendment guards the right of suffrage granted to the freedmen. The qualifications of voters are under the control of the States, except as limited by the Constitution of the United States. This amendment limits the power of the States over the suffrage.

SIXTEENTH AMENDMENT. 1913.

207. Income Tax.—This amendment gives to Congress the power to lay and collect a tax on incomes, from whatever source derived, without the necessity of apportioning it among the States, and without regard to any census or enumeration.

The Constitution provided that "direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers," that is, their population. (Art. I, sec. 2.) Also, that "no capitation or other direct tax shall be laid unless in proportion to the census or enumeration herein before directed to be taken." (Art. I, sec. 9.) An Act of Congress passed in 1894, levying a general income tax, was declared unconstitutional by the Supreme Court because it was not apportioned among the States nor laid in proportion to the census of population. The court said that an income tax was a "direct" tax when the income taxed was derived from certain sources, such as rents of property or income from investments, though it might not be a direct tax when the income came from such sources as business transactions or a salary or wages. Now it would be practically impossible to apportion a general income tax among the States, because it would be necessary to fix the total amount to be raised and then to direct that a certain fraction of that total should be raised in New York, and another fraction in Pennsylvania, and another in California, and so on through the States according to their respective populations. Congress still had the power to lay a tax on incomes derived from a few sources, without any apportionment, as it would not be a direct tax in those cases. But this would have been wholly unsatisfactory and insufficient. So the sixteenth amendment was adopted, which dispenses with the necessity of apportionment of an income tax, no matter from what source the income was derived. It repeals the earlier provisions of the Constitution, quoted above, so far as regards an income tax, but not as to other direct taxes.

SEVENTEENTH AMENDMENT. 1913.

208. Popular Election of Senators.—This amendment provides that the United States Senators from each State shall be elected directly by the people of the State, instead of by the Legislature of the State as before.

It was adopted because of the belief of many people that Senators were able to secure their election by bribery or other cor-

rupt dealings with the members of the State Legislatures, which would not be possible if their election depended upon the vote of the whole people of the State.

EIGHTEENTH AMENDMENT. 1919.

209. National Prohibition.—This amendment prohibits the manufacture, importation, sale, transportation, and traffic in intoxicating liquors in the United States and all territory subject to the jurisdiction thereof.

CITIZENSHIP.

210. Rights of American Citizens.—The principle announced in the Declaration of Independence, that all men are created equal and that they are endowed with inalienable rights, among which are life, liberty, and the pursuit of happiness, applies to all persons in the United States. The lives, liberty, and property of all are equally under the protection of the law. All have the right to improve their physical, mental, and moral powers; to use and enjoy whatever they have lawfully acquired and to dispose of the same in any way they think best. The American citizen may claim the protection of the Constitution of the United States as the supreme law of the land, and the rights and liberties secured to him by the constitution and laws of his own State. He cannot be enslaved nor held to involuntary servitude except as a punishment for crime after due conviction. His privileges and immunities as a citizen of the United States shall not be abridged by any State, and as a citizen of a State he is entitled to the privileges and immuni-

ties of citizens in all the States. He shall not be deprived of his life, his liberty, or his property without due process of law. He shall enjoy the protection of the law equally with all others within the jurisdiction. The government shall not take away his property for any private use, nor even for a public use without just compensation. Taxation which affects him must be equal and uniform. He shall be free to choose his occupation, to pursue his happiness in all lawful ways, and to make his contracts as he may desire, and the obligation of them shall not be impaired by law. Every one may worship God according to the dictates of his own conscience, and he cannot be deprived of any right of a citizen on account of his religious sentiments or mode of worship. He may speak, and write or publish his thoughts and opinions on any subject, being responsible only for the abuse of this liberty. He has a right to privacy in his home and to freedom from unreasonable searches and seizures of his person, his house, his papers and all his possessions. Every citizen may travel throughout the whole extent of the country in perfect security, so far as the laws are concerned. The American citizen carries the protection of his government with him, wherever he may go upon the world's broad highways; and if, in journeying in a foreign land, he receive any indignity, he may invoke for his aid and protection, if necessary, the whole power, civil and military, of his government. He is free to decide for whom he will vote for public office, and may himself aspire to any position within the gift of the people. He may

establish his home and follow his vocation wheresoever he chooses, and is at liberty to change either or both at his convenience. For all injuries and wrongs he may receive in his person, property, or reputation he has a remedy in the laws as interpreted by free, impartial, and independent judges, and is entitled to receive right and justice freely, fully, and without delay. If accused of any offence against the laws, he is presumed innocent until proved guilty, and he may use all the forms of legal procedure to establish his innocence. If found guilty, no cruel or unusual punishment can be inflicted on him, but only a penalty proportioned to the offence. Every one who possesses property may order to whom it shall go at his decease, after all just claims on his estate have been satisfied.

From our review of the nature of our government, the provisions of the Constitution, and the rights of citizenship, we conclude that there can be no better political condition for man than that of an American citizen.

211. Spirit of American Democracy.—The development of government in the United States, based as it is upon a Constitution which firmly secures the rights and liberties of the citizens and justly apporions the powers of government, has evolved the specific thing known as American democracy. Its true principles are these: That government exists for the sake of the governed, and not vice versa; that all just government recognizes and is based upon the equal rights of all citizens to liberty and the pursuit of hap-

piness; that the immunities of the people are not the gift of the state; but on the contrary, the powers of the state are the gift of the people; that no deposit of unrestrained power can be made either in the state, in any of its organs, or in the will of a numerical majority, without putting the just liberty of men in peril; that democracy, viewed as a social as well as a political order, must know no distinctions of class, creed, or possessions, but must secure inviolably to every one that which is justly his own; that no man or set of men are entitled to exclusive public emoluments or to exemption from the laws which bind all alike; and that all government should be maintained and continued only on the basis of just and salutary laws constitutionally ordained, impartially enforced, and faithfully obeyed.

212. Duties of the Citizen.—Rights and duties exist together. The preservation of the former can be assured only by the observance of the latter. It should be the aim of the citizen to become well acquainted with the history of his country, the principles upon which its government is founded, and the institutions which have promoted its welfare. He should study the great questions of principle and policy, which divide the public attention, that he may act intelligently upon them; and above all he should cultivate a high standard of personal morality, for the republican system of government is based on the golden rule, and he who loves justice, mercy, and truth will never consent that his voice and vote shall sanction a public wrong.

It is the duty of the American citizen to defend the Union "to which we owe our safety at home and our consideration and dignity abroad"; to honor the Constitution as "the sheet anchor of our liberties"; to conscientiously obey the laws of the land, and to aid, when necessary, in their just and equal enforcement; to encourage honor and purity in the administration of the government by using his influence to place honest, faithful, and capable men in public office; and at all times, in a spirit of love and loyalty, to protect the flag of his country as the emblem of liberty, equal rights, and national unity.

APPENDIX.

DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

The Unanimous Declaration of the Thirteen
United States of America.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident:—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation

on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his Governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the

legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people and eat out their substance.

He has kept among us, in times of peace, stand-

ing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us

out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the

ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, *free and independent States*; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as *free and independent States*, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which *independent States* may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

New Hampshire.

Massachusetts.

JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,

120 HANDBOOK OF AMERICAN GOVERNMENT

ELBRIDGE GERRY.

Delaware.

CÆSAR RODNEY,
GEORGE READ,
THOMAS M'KEAN.

Maryland.

SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROLL of Car-
rollton.

Rhode Island.

STEPHEN HOPKINS,
WILLIAM ELLERY.

Connecticut.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

New York.

WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

New Jersey.

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

Pennsylvania.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

Virginia.

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, JR.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

North Carolina.

WILLIAM HOOPER,
JOSEPH HEWES,
JOHN PENN.

South Carolina.

EDWARD RUTLEDGE,
THOMAS HEYWARD, JR.,
THOMAS LYNCH, JR.,
ARTHUR MIDDLETON.

Georgia.

BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

Great Britain formally acknowledged the independence of the United States by a treaty signed at Paris, September 3, 1783.

CONSTITUTION
OF THE
UNITED STATES OF AMERICA.

PREAMBLE.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECT. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been

seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

[Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

(The clause within brackets was modified by the 14th and 16th amendments.)

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SECT. 3. The Senate of the United States shall be composed of two Senators from each State [chosen by the legislature thereof] for six years; and each Senator shall have one vote.

(The clause within brackets was changed by the 17th amendment.)

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; [and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies].

(The clause within brackets was changed by the 17th amendment.)

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the

Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECT. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECT. 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner,

and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECT. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

SECT. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be

approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECT. 8. The Congress shall have power—To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

To borrow money on the credit of the United States.

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

To provide for the punishment of counterfeiting the securities and current coin of the United States.

To establish post-offices and post-roads.

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

To constitute tribunals inferior to the Supreme Court.

To define and punish piracies and felonies com-

mitted on the high seas, and offences against the law of nations.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and

all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECT. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

[No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.]

(The clause within brackets was modified by the 16th amendment.)

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECT. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. The executive power shall be vested in a President of the United States of America. He

shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows:—

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the

representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]

(The foregoing paragraph was superseded by the 12th amendment.)

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years; and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

SECT. 2. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and

which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECT. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECT. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme

and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECT. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—[between a State and citizens of another State];—between citizens of different States;—between citizens of the same State claiming lands under grants of different States [and between a State, or the citizens thereof, and foreign states, citizens or subjects].

(The clauses within brackets were repealed or modified by the 11th amendment.)

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the

trial shall be at such place or places as the Congress may by law have directed.

SECT. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECT. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in

consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECT. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECT. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part

of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.

In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, *President,*
and deputy from Virginia.

NEW HAMPSHIRE.—John Langdon, Nicholas Gilman.

MASSACHUSETTS.—Nathaniel Gorham, Rufus King.

CONNECTICUT.—William Samuel Johnson, Roger Sherman.

NEW YORK.—Alexander Hamilton.

NEW JERSEY.—William Livingston, David Brearley, William Paterson, Jonathan Dayton.

PENNSYLVANIA.—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

DELAWARE.—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

MARYLAND.—James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

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VIRGINIA.—John Blair, James Madison, Jr.

NORTH CAROLINA.—William Blount, Richard Dobbs Spaight, Hugh Williamson.

SOUTH CAROLINA.—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

GEORGIA.—William Few, Abraham Baldwin.

Attest: WILLIAM JACKSON, *Secretary.*

ARTICLES

IN ADDITION TO, AND AMENDMENT OF,
THE CONSTITUTION OF THE UNITED STATES OF
AMERICA.

*Proposed by Congress, and ratified by the legislatures
of the several States, pursuant to the fifth article
of the original Constitution.*

ARTICLE I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ART. II. A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ART. III. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ART. IV. The right of the people to be secure in their persons, houses, papers, and effects, against un-

reasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ART. V. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ART. VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ART. VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of

the United States, than according to the rules of the common law.

ART. VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. IX. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ART. X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ART. XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ART. XII. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the numbers of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—the President of the Senate shall, in presence of the Senate and House of Representatives, open

all the certificates, and the votes shall then be counted; —the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the of-

fice of President shall be eligible to that of Vice-President of the United States.

ART. XIII. SECT. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECT. 2. Congress shall have power to enforce this article by appropriate legislation.

ART. XIV. SECT. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECT. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or

other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECT. 3. No person shall be a Senator, or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SECT. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.

But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECT. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ART. XV. SECT I. The right of citizens of the

United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SECT. 2. The Congress shall have power to enforce this article by appropriate legislation.

ART. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ART. XVII. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

ART. XVIII. SECTION I. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the

jurisdiction thereof for beverage purposes is hereby prohibited.

SECT. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SECT. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

SEARCH LIGHT STUDIES.

"We'll read, answer, and think upon this."

—*Shakespeare.*

1. Who were some of the prominent members of the Constitutional Convention?

2. Who were the great leaders of the Federalist and Anti-Federalist parties?

3. Why should Congress have exclusive authority over the seat of government?

4. Are the Indians in this country citizens of the United States?

5. Why should less than a quorum of either House of Congress have power to compel the attendance of absent members?

6. How can they exercise this power?

7. Why are officers of the United States government forbidden to accept presents from foreign governments?

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8. Have such presents, sent to public officers, ever been retained by our government?

9. A distinguished writer has said: "The American citizen has two loyalties and two patriotisms." Explain this expression.

10. What now constitutes legal tender in the United States?

11. Why is the United States government often called a government of "delegated powers"? Why a government of "limited powers"?

12. What feature of our governmental system cannot be changed by a Constitutional amendment?

13. On what principle does an amendment, which has been ratified by three-fourths of the States, bind a State which has not ratified it?

14. Can a Chinese or a Japanese be naturalized?

15. Why should a two-thirds rather than a majority vote be required to expel a member of Congress?

16. Can an officer escape impeachment by resigning his office?

17. What is the reason for the provision that Congress shall meet yearly?

18. Who is responsible for the character of legislation?

19. Ought a Representative to vote as a majority of his constituents desire, or in accordance with his own convictions?

20. Would a Senator or a Representative lose his seat by removing from the State for or in which he was elected?

21. When may the Houses of Congress be said

to be acting as judicial rather than as legislative bodies?

22. Has any person ever been convicted of treason against the United States?

23. Who was tried on that charge and acquitted?

24. Has a resident of the city of Washington the right to vote in a Presidential election?

25. The circumstances of the admission of West Virginia into the Union as a State were peculiar. Can you state them?

26. Are children citizens as well as men and women?

27. Why is "President" an appropriate title for the highest officer of our government?

28. Is it proper to refer to the officers of the government as "our rulers"?

29. Give an instance of the exercise of the veto power. Of the "pocket veto."

30. Has Congress the power in any case to diminish the salaries of the Justices of the Supreme Court?

31. What is meant by the term "to declare war"?

32. Can a person be a citizen of a State without being a citizen of the United States?

33. Which of the powers of Congress includes the power of acquiring territory, either by conquest or by treaty?

34. What Vice-President was elected by the Senate?

35. One of the duties of the President is to receive ambassadors. Who may reject or dismiss them?

36. Why is it provided that the salary of the Presi-

dent shall neither be increased nor diminished during his term of office?

37. Who may legally suspend the writ of habeas corpus?

38. By whom has that writ been suspended?

39. Why should each State be allowed a number of Presidential electors equal to the whole number of Senators and Representatives to which it is entitled in Congress?

40. Can a person who is not twenty-five years of age be legally elected to the House of Representatives?

41. Can either House punish those who are not its members?

42. What conditions does the Constitution assume to be necessary to the privilege of voting?

43. Can a State give the privilege of voting, at all elections, to women?

44. Can a person who is not a citizen of the United States have the privilege of voting?

45. Do all citizens have the right of voting?

46. Can a State nullify the laws of the United States?

47. Are taxes on the rents or income of real estate direct or indirect taxes?

48. State two ways in which Congress can borrow money.

49. How can Congress regulate the value of foreign coin?

50. In what three emergencies has the President called the militia of certain States into active service?

51. What was the last State to enter the Union, and what was the date of its admission?

52. Name an Act of Congress which the Supreme Court has declared unconstitutional.

53. Has Congress power to prohibit commerce with a foreign nation?

54. In what way does the District of Columbia resemble a Territory? How does it differ from a Territory?

55. Art. I., Sec. 8, Clause 18 of the Constitution relates to incidental or implied powers of Congress. Name some of these powers that have been exercised.

56. What parties have favored giving the National government as much power as possible under this clause? What parties have been inclined to give little power under it?

57. Was the prohibition of the foreign slave-trade by Congress the exercise of an express or an implied power?

58. Why is the term of office of the President often called his "administration"?

59. What is the meaning of the terms "broad construction" and "strict construction" in connection with the Constitution?

60. How may a joint resolution of Congress be distinguished from a concurrent resolution? Give an example of each.

61. What places outside the boundaries of the United States are subject to the jurisdiction of the United States?

62. Give the names of the following officers and

tell of what State each is a citizen: President, Vice-President, President *pro tempore* of the Senate, Speaker, Chief Justice.

63. What is the purpose of Article I., Section 6, Clause 2 of the Constitution?

64. How do the rights of aliens (subjects of a foreign government), dwelling in this country, differ from those of a naturalized citizen?

65. Who are the United States Senators from this State? Who is the Representative of this district in Congress? The Judge of the United States Court of this judicial district? The Postmaster of this place? Name some other United States officer in this vicinity.

66. Which Presidents were re-elected? Which served two terms? Which died in office? Who succeeded each of them in the Presidential office? What Presidents passed from the office of Secretary of State to that of President?

67. Describe the great seal of the United States. For what purpose is it used?

68. Repeat from memory the preamble to the Constitution, the first amendment, and the first section each of the thirteenth, fourteenth, and fifteenth amendments.

69. Name the authors of the following quotations:

(a) "I believe this to be the strongest government on earth. I believe it to be the only one where every man at the call of the law would fly to the standard of the law and would meet invasions of the public order as his own concern."

(b) "We shall nobly save or meanly lose the last best hope of earth."

(c) "That which contributes most to preserve the State is to educate children with reference to the State; for the most useful laws, and most approved by every statesman, will be of no service if the citizens are not accustomed to and brought up in the principles of the Constitution."

(d) "It was the purpose of our fathers to lodge absolute power nowhere; to leave each department independent within its own sphere; yet, in every case, responsible for the exercise of its discretion."

(e) "Each generation in our history needs to be taught what the Constitution is, and what the framers of it understood it to be at its formation."

(f) "The Constitution has been found sufficient in the past; and in all the future years it will be found sufficient if the American people are true to their sacred trust."

(g) "If a State, 'one of the many,' claims to be above the whole, and usurps such power, the Nation must suppress it, first by judicial process, and if that be not sufficient, then by force."

(h) "The government of the United States is justly deemed the guardian of our best rights, the source of our highest civil and political duties, and the sure means of our national greatness."

(i) "The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

(j) "An instructed democracy is the surest foundation of government."

(k) "Within their own limits they (the States) are the guardians of industry, of property, of personal rights, and of liberty. But State rights are to be defended inside of the Union; not from an outside citadel from which the Union may be struck at or defied."

(l) "Liberty and Union, now and forever, one and inseparable."

(m) "If any one attempts to haul down the American flag, shoot him on the spot."

70. What did George Washington, President of the Constitutional Convention, say that the members of that body kept steadily in view in all their deliberations?



THE FLAG.

The origin of the design of our flag is not definitely known, but it is believed that the stars and stripes on Washington's coat of arms suggested the propriety of combining the same on the national ensign. On the fourteenth of June, 1777, the American Congress resolved, "That the flag of the thirteen United States be thirteen stripes alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation." In 1795, after the admission of two new States, the design was changed to fifteen stripes and fifteen stars. When other States were admitted it was evident that the plan of adding a stripe and a star for each additional State could not be followed. Congress, therefore, in April, 1818, decided that the number of stripes should be reduced to the original thirteen, and that for each new State admitted to the Union, one star should be added to the union of the flag on the fourth of July next succeeding such admission.

Thus the flag is a symbol at once of the origin of the Nation and of its present greatness and glory.

BOOKS RECOMMENDED FOR READING AND REFERENCE.

- "American Statesmen Series." (A collection of short biographies of the most eminent American statesmen of the early and middle period.)
- "History of the Formation of the Constitution," George Bancroft.
- "The Framing of the Constitution," Max Farrand.
- "Commentaries on the Constitution," Joseph Story.
- "The American Commonwealth," James (Viscount) Bryce.
- "American Political Ideas," "Civil Government in the United States," and "The Critical Period of American History," John Fiske.
- "History of American Politics," Alexander Johnston.
- "Our Chief Magistrate," William Howard Taft.
- "Autobiography," Theodore Roosevelt.
- "Popular Government," Sir Henry Sumner Maine.
- "The Federalist," Alexander Hamilton and James Madison.
- "Congressional Government," Woodrow Wilson.
- "The People's Government," and "Americanism: What It Is," David Jayne Hill.
- "Fundamental Law of American Constitutions," Fred A. Baker.
- "Civil Liberty and Self Government," Francis Lieber.
- "The Democracy of the Constitution," Henry Cabot Lodge.

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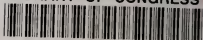
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